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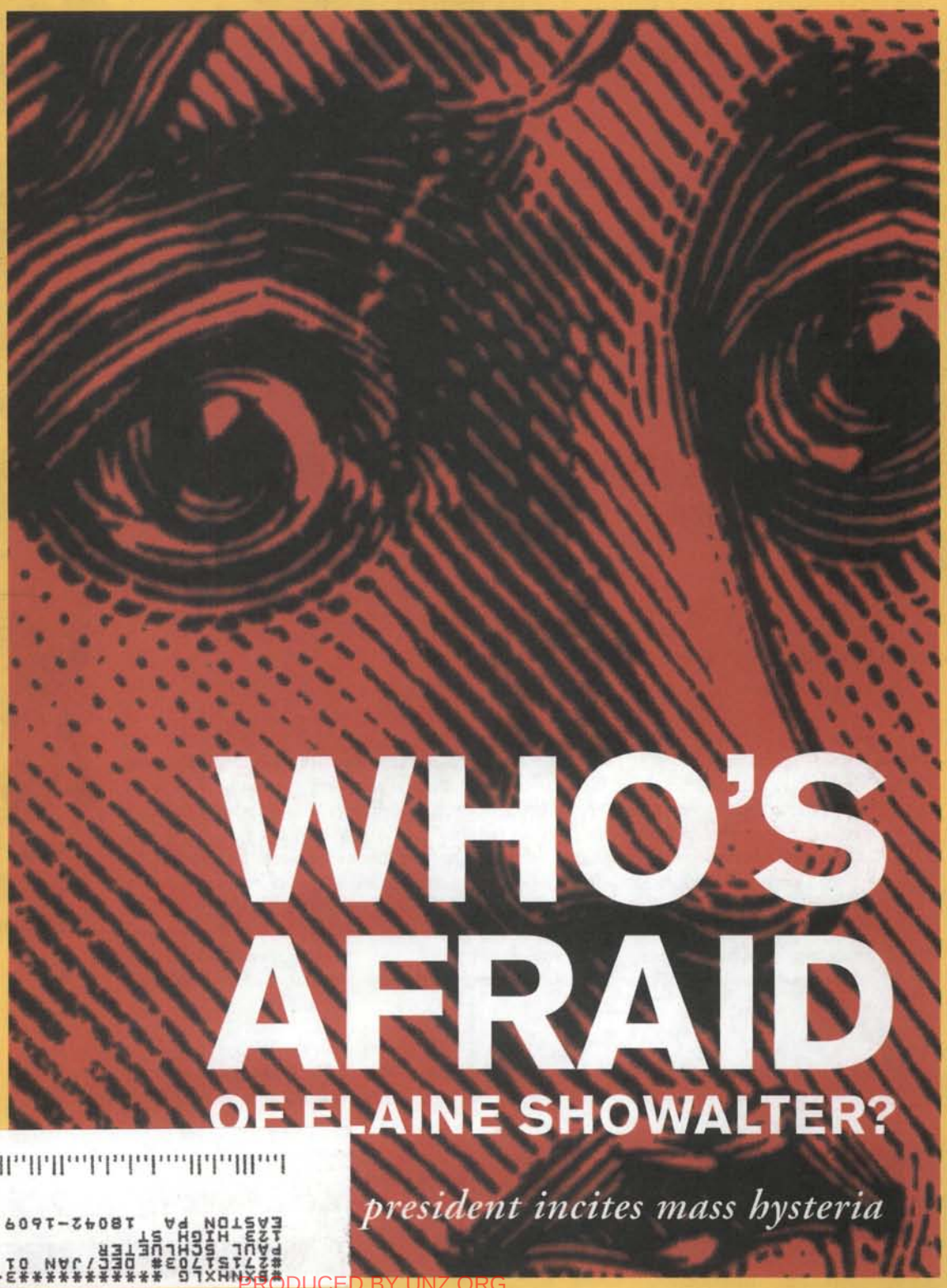

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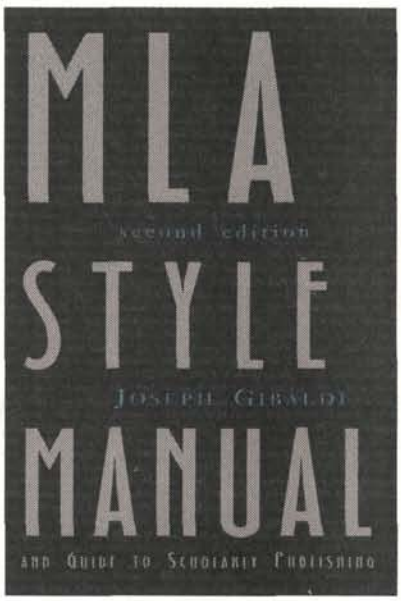

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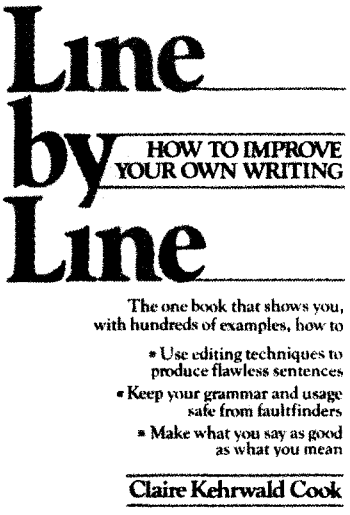
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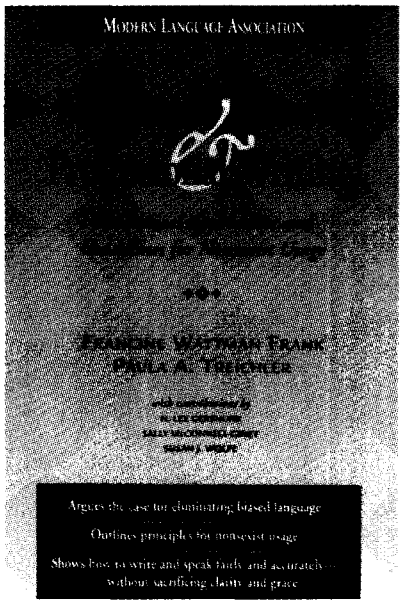

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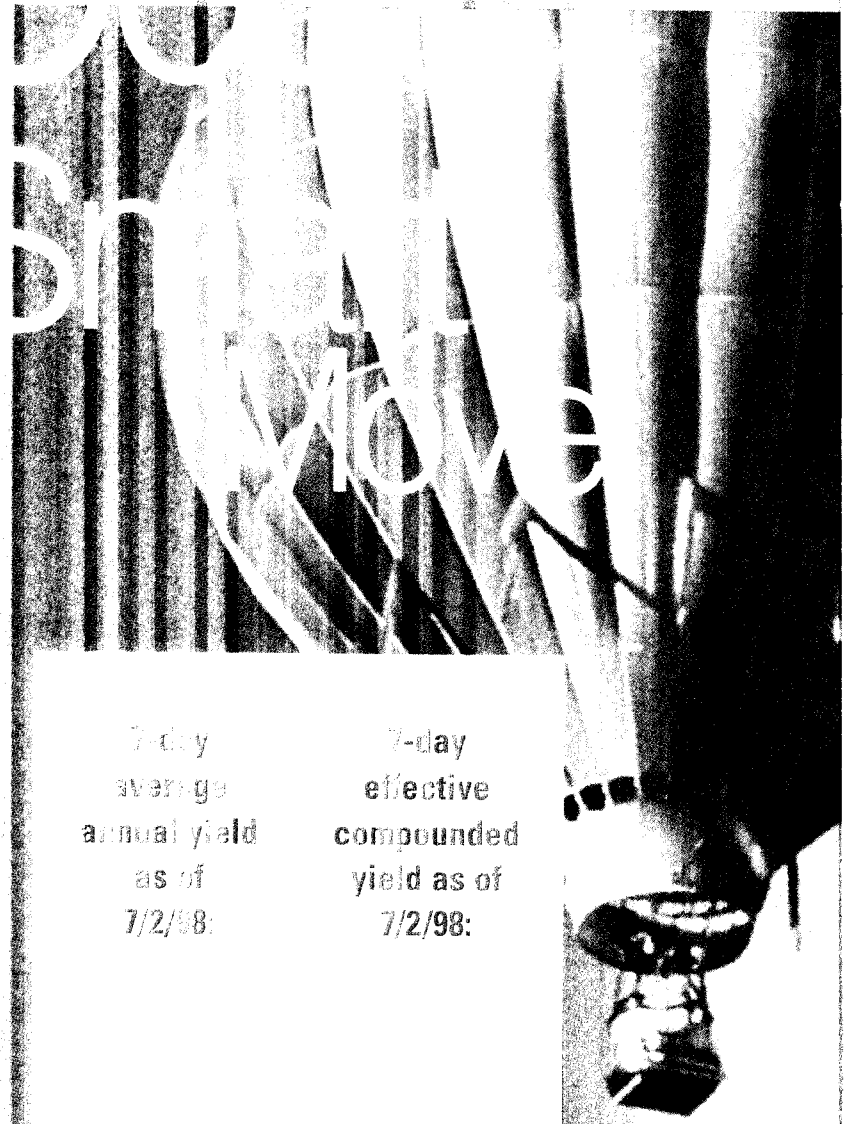

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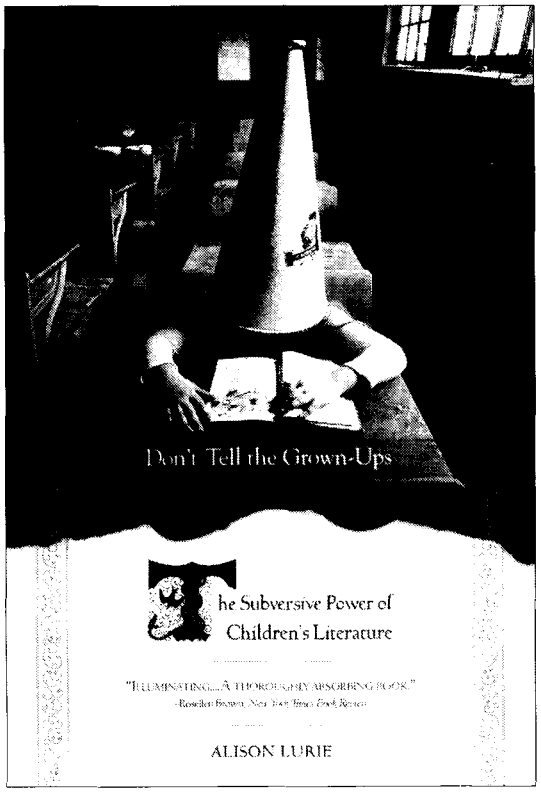

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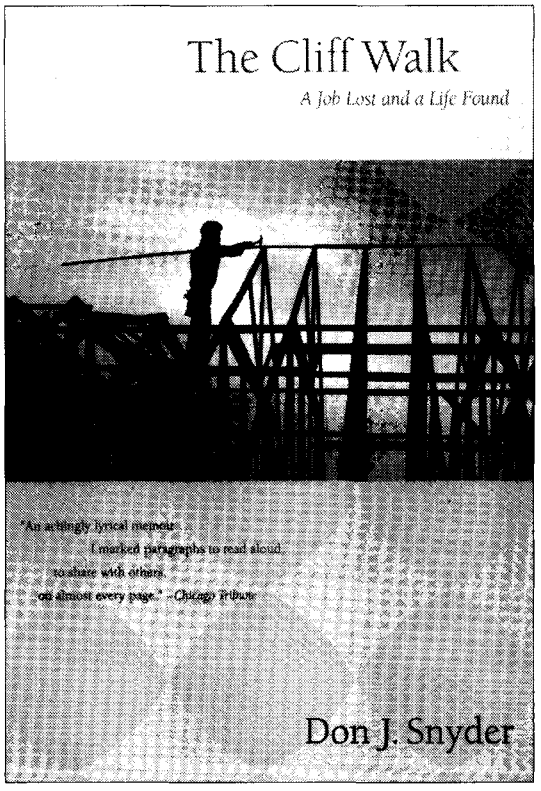
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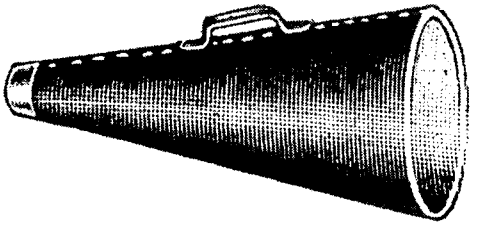

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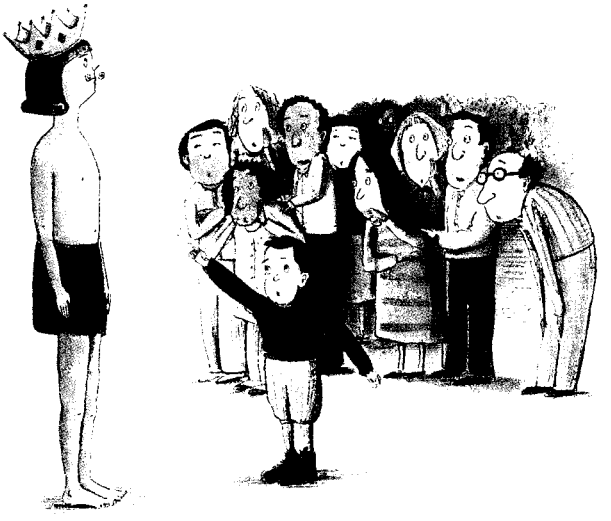

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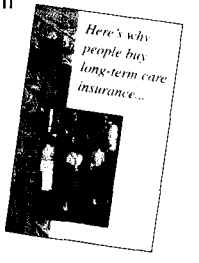

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**Guide to Long-Term Care Insurance, Health Insurance Association of America, 1996.

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PET THEORIES

I was amused to read Mark Edelman Boren's short piece ["Beasts of Burden," Field Notes, July/August] and wish him well with his paper on the pet's "unrecognized contribution to academic scholarship." Unfortunately, his position that pets have not been recognized is based on a limited review of the available literature. The use of the researcher's own companion animal as a source of data is commonplace in the academic work on human-animal interaction.

Boren might find the following examples useful: Janet and Steven Alger, "Beyond Mead: Symbolic Interaction between Humans and Felines," *Society and Animals* 5, no. 1 (1997); Kenneth Shapiro, "Understanding Dogs Through Kinesthetic Empathy, Social Construction, and History," *Anthrozoös* 3, no. 3 (1990); Clinton Sanders, "Understanding Dogs: Caretakers' Attribution of Mindedness in Canine-Human Relationships," *Journal of Contemporary Ethnography* 22, no. 2 (1993); and Douglas Robins, C. Sanders and S. Cahill, "Dogs and Their People: Pet-Facilitated Interaction in a Public Setting," *Journal of Contemporary Ethnography* 20, no. 1 (1991).

These represent only a taste of the sizable body of serious academic work by social and behavioral scientists that has involved the researcher's collaboration with his or her own pet(s).

CLINTON R. SANDERS
PROFESSOR OF SOCIOLOGY
UNIVERSITY OF CONNECTICUT

NOTHING DOING

Dmitri Tymoczko ["The Martin Chronicles," Inside Publishing, April] is horribly mistaken in his assertion that "in [Heidegger's] philosophy he provided an alternative to the timidity of contemporary analytic philosophy, proving that it is at least possible to try to take seriously such perennial questions as 'why is there something rather than nothing?'" First, while Heidegger did press this question, he did nothing to answer it. Second, the question was originally formulated by Leibniz, a member of the analytic canon. Third, the only serious attempts to answer the question have been made by analytic philosophers such as Derek Parfit and Robert Nozick. In fact, Nicholas Rescher has written an entire book on the topic! Timidity indeed.

STEVEN D. HALES
ASSOCIATE PROFESSOR
OF PHILOSOPHY
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One of the great paradoxes of modern times is that the political system that has paid the least attention to internal political opinion should also be the system that most adeptly manipulates world public

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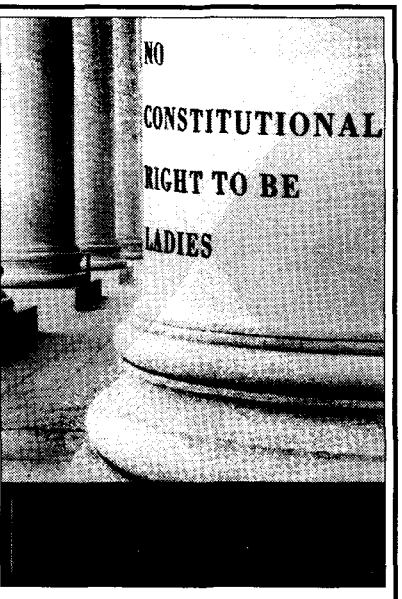

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Field *Notes*

SEX IN THE CITY

SODOM ON THE HUDSON, AS a nineteenth-century minister called New York City, has been considerably less tolerant of public expressions of eroticism since Mayor Rudy Giuliani took office in 1994: Tourists around Times Square are more likely to be families trying to score tickets to *The Lion King* than johns trying to score. So it wasn't surprising that news of a planned Museum of Sex on lower Fifth Avenue sent the *New York Post* into a tizzy. "SEX MUSEUM MIGHT OFFER XXX-HIBITS" ran the tabloid's headline last April, describing curator Alison Maddex's latest venture.

The hubba-hubba contingent might well be disappointed: Maddex, who is best known for having curated a 1993 gallery show that exalted the phallus, is not booking any live sex acts for the halls of her museum. Instead, she plans to present traditional art exhibits, natural history lessons, and a series of romantic films, as well as less conventional offerings, like multimedia re-creations of historic brothels and guest lectures by sex workers. The ambience will be more Rock and Roll Hall of Fame than sex club.

An archive, to be called The Nerve Center, also figures prominently in her plans. "The line I've been using is that it's for Joe Construction Worker and a Harvard emeritus professor," she says, imagining an interactive film-and-video catalog and viewing facilities, as well as a print library. All of this would be accessible to the public—within reason. Maddex's ambitions are educational, but the museum will be "an R-rated situation." This still presents a notable contrast

> The Museum of Sex is looking for scholarly support.

with the Kinsey Institute, in Bloomington, Indiana, which restricts access to its renowned collection to credentialed researchers.

Although Maddex is loath to name specific donors, her success in finding a building to lease in Manhattan's trendy Flatiron district indicates that she's already enjoyed some fund-raising success. She has also lined up endorsements from prominent artists and entertainers, including *Politically Incorrect* host Bill Maher, politically incorrect monologist Sandra Bernhard, style guru Todd Oldham, exhibitionist performance artist Annie Sprinkle, and right-wing diva Arianna Huffington. But celebrity cachet only gets you so far. In an understandable bid for respectability (and, one assumes, in anticipation of attracting cautious corporate sponsors), Maddex is trolling for support among scholars of sex as well.

Her letter to potential donors indicates that a "Museum of Sex task force of distinguished scientists, sex historians, doctors, anthropologists, psychologists," as well as members of the entertainment community, is busy honing the institution's mission, but this seems something of an exaggeration: At this early stage, Maddex has only been asking academics to write "letters of support." Her list of academic endorsers includes Valerie Steele, chief curator of the Fashion Institute of Technology's museum and author of *Fetish*; Robert Francoeur, professor of human sexuality and embryology at Fairleigh Dickinson University; Betty Dodson, author of *Sex for One;* and the well-known Rutgers anthropologists Helen Fisher and Lionel Tiger.

It's unclear, however, what part anyone other than the museum's cheeky director will play in shaping its identity. Even Fisher, possibly the project's most enthusiastic endorser, says, "I certainly will go to it when it opens, but right now I don't know what my role will be." Others are more reserved. John Bancroft, director of the Kinsey Institute, says that Maddex has written to him but that it's "not clear that this is an academic exercise. We have to be

DAILY MIRROR/CORBIS-BETTMANN

quite careful to maintain our academic respectability, and the field of sex studies is full of enterprises that don't fall under that heading." Nonetheless, he says he would be glad to meet with Maddex to learn more about her ideas for the museum.

While the Museum of Sex hasn't started purchasing anything yet, Maddex is eager to assume responsibility for the holdings of the Institute for Advanced Study of Human Sexuality, a graduate school in San Francisco. The institute is currently home to what its co-founder and president, Ted McIlvenna, says is the world's largest collection of pornographic and erotic artifacts—about three million items stored in nine warehouses throughout the city.

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A retired minister for the United Methodist Church, "Dr. Ted" has been collecting everything from first-edition erotic literature to strip-club matchbooks since 1966. About a year ago he began looking for a professional archivist "to start taking care of our erotic heritage." (His collection costs the institute $100,000 a year to maintain, is mostly uncataloged, and is not on public display.) For the most part, reactions at university libraries and cultural institutions have ranged from perplexed to spooked. Although he thinks the Library of Congress might have some interest in his collection of vintage X-rated-movie posters, he acknowledges that "they get their money from the government and Congress isn't going to put much money into sex, unless it's connected to President Clinton."

McIlvenna has agreed to donate movies and posters to a film festival/fund-raiser that Maddex is organizing for the fall. But he isn't sure that the Museum of Sex would be a suitable home for his life's work: He would like the collection's custodian to be an expert in sexology. "The people in New York don't seem to know much [about it]," he chuckles. "But they're smart, they're going to learn, and they mean well."

Maddex admits that she has a lot to brush up on. "I haven't read it all," she says. She may be helped by academic gadfly Camille Paglia, her romantic interest of the past few years, who also serves on the museum's board of advisers. For her part, Paglia is uncharacteristically modest about her contributions to the project. "I've really just given her the courage of her convictions," she says. Since Maddex, as a curator, is admittedly unfamiliar with some recent scholarship, says Paglia, "I'm able to pick up a book and say whether this person is a total lemming.... I'm there for Alison to assess what should go in the archive."

Maddex does share her significant other's pride in being politically incorrect: If she anticipates any controversy about the museum, she thinks it's less likely to come from conservative culture warriors than from left-wing academics she is sure will object to her enshrining evolutionary psychology and instinctual behavior alongside cultural and historical representations of sex. "I want to stay grounded in the *nature* of sex," she says. She freely derides feminists "who get on this 'gender' path"; postmodernists whose work is "cut off at the neck"; and queer theorists, whose language she finds "demeaning to heterosexuality."

She may eschew what she considers the "avant-garde" for "normal" sex, but the sheer breadth of her subject matter underscores both the extent of her ambition and how far she has to go. Of course, if recent events in New York are any indication, the Museum of Sex might well be the wave of the future: How can sex get any safer than when it's encased in a vitrine?

ALLISON XANTHA MILLER

FLEECED!

IN 1977, LYLE MCNEAL, A professor of veterinary science at Utah State, founded the Navajo Sheep Project to preserve the Southwest's dwindling population of churro sheep, a cuddly breed whose extraordinary wool has been treasured by Navajo weavers for centuries. With the assistance of his wife, Nancy, and a small corps of volunteers, McNeal drove all over the Navajo backcountry to collect rams and ewes from isolated areas. At home in Logan, Utah, the McNeals would selectively breed the churros, then try to entice a new generation of Navajo to take up sheep raising and weaving. By the 1990s, they had helped rescue the churros from the brink of extinction. Little did they suspect that their own project was endangered.

For a while, Utah State reveled in the national acclaim the McNeals generated. But by the early 1990s, the honeymoon was over. McNeal now contends—to vigorous denials from the university—that administrators tried to harass him out of his tenured position and expel the sheep project from campus. Last year he filed suit. A judge threw out some of the McNeals' charges, but let stand their claim that Utah State had denied McNeal due process—"the main issue that our attorneys wanted to see go forward," Nancy McNeal says. The case is expected to go to trial sometime this year.

The McNeals might seem to be unlikely subjects of con-

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troversy. He's a longtime Boy Scout leader and Mormon high priest; she sprinkles her conversation with quotations from Mormon scripture. But in interviews, they spin a gothic nightmare of petty indignities and administrative power plays, not all of which are reflected in the suit. At one point, they allege, the university threatened to sell everything—including the entire sheep herd. The situation became so dire that for a time the McNeals lacked a place to keep their herd and offered the sheep as bait for coyote in a federal study. (Most survived the ordeal, and the herd is currently cooling its heels at a donated farm in Bloomfield, New Mexico.)

University officials—who came to an interview brandishing evidence that they supported McNeal for grants and awards—say the charges are "pure nonsense." They contend that Lyle McNeal's goodhearted efforts spun wildly out of control. A project that began with 11 sheep grew into 450, his superiors note, and what started off as a minor expense began running a six-figure deficit in the university's name, thanks to spiraling bills for food, shelter, transportation, and veterinary care. Of the amount the university says the Navajo Sheep Project owes, the McNeals are being asked to pay back $50,000.

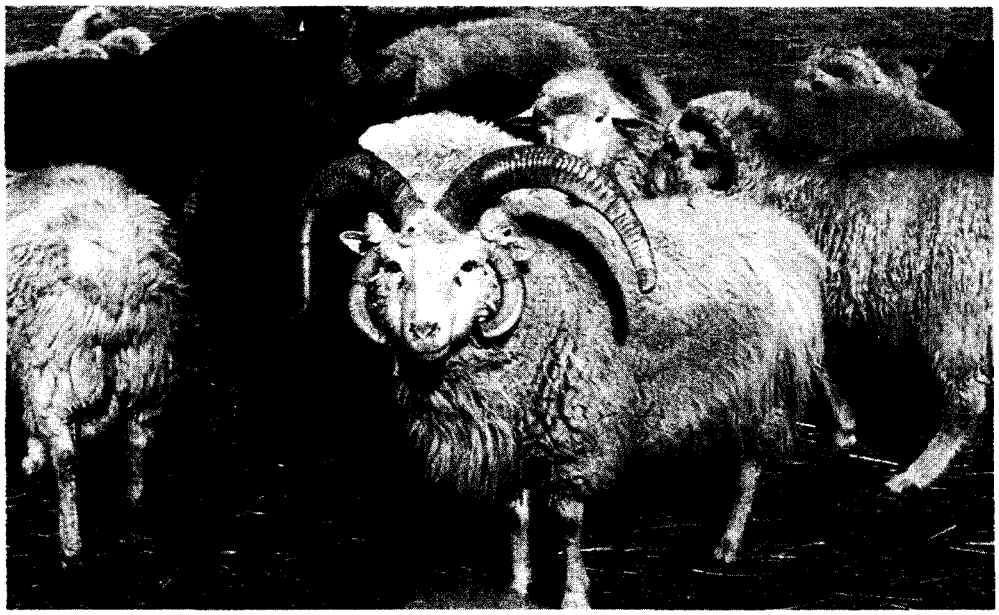
"We allowed this project to go into the red, hoping that it would be able to dig its way out," said Rodney J. Brown, Utah State's agriculture dean. "For some time it went the wrong way, and then we said: You can't travel on money you don't have. The problems came from a combination of Lyle McNeal's love for sheep and for the Navajo people with the fact that his donors were drying up. It threw him into a tailspin. We can understand the pressure he's under, but it's self-imposed. We didn't start looking at Lyle as a bad faculty member."

Wherever the truth lies, the episode serves as a case study in the highly competitive world of major agricultural research universities. In an age of lucrative, high-tech research contracts, even programs that create significant pro bono benefits and tons of good P.R. have no guarantee of survival. Today, experts say, there is little patience for projects that do not pay their own way and then some.

"Most of my colleagues would say to scientists, 'I'll give you five, six, seven years of funding, and after that I'll expect you to generate full funding by yourself,'" says Mortimer Neufville, an official with the National Association of State Universities and Land Grant Colleges.

If anything, Utah State officials approach faculty projects with even greater expectations. "Times have changed since Lyle came here," Brown says. "We tell new professors right up front that if you do not bring in $250,000 to $300,000 three years from now, you won't be able to run a program sufficient to qualify for tenure. You need to pay for your own graduate students, computers, and everything else. You cannot depend on the university to provide all that money. And every project has a certain clientele. A few years ago, a guy here created milk for the space shuttle. Robert Redford might be the one to pay for a sheep project." (In fact, Redford, who raises his own churros, has supported the project financially and serves on its advisory council.)

> "You need to pay for your own graduate students, computers, and everything else," says Utah State's agriculture dean.



LOUIS JACOBSON

The McNeals say that federal law is on their side, at least rhetorically. As a land-grant college, Utah State has a mandate from Congress to serve the common agricultural good. To the McNeals, this means fostering exactly the kind of close-to-the-earth mission that the Navajo Sheep Project carries out. The McNeals, however, may have been hobbled by geography. Most of the Navajo population lives in the neighboring states of Arizona and New Mexico. That means Navajo representatives would typically not be allowed to sit on the advisory boards that help shape the state's land-grant-university research priorities.

"The things we did intrigued the press," Nancy McNeal says. "Everything we did was interesting to people outside agriculture, and that made [Utah State administrators] uncomfortable. Here we had alliances with activists, Native Americans, sociologists, artists. They were not comfortable with that at all, and they must have figured that Lyle had lost all sense of what was important in agriculture."

"We have no shortage of valuable projects," counters Brown. "We could sit here and come up with twenty-five valuable projects off the top of our heads. But somebody would have to pay for all twenty-five, so that would knock the list down pretty fast."

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WESTLAW V. LEXIS

THE 1973 MOVIE *THE PAPER CHASE* follows a first-year student through the rigors of law school, from sadistic professors and cryptic assignments to all-nighters alone in the stacks. Today, however, the image of the law student who slaves away in the library has been replaced with that of the law student who studies comfortably at home, scanning databases on a personal computer. That's because two companies have revolutionized the paper chase, giving law students free access to their electronic databases. But the change isn't about corporate philanthropy; it's about marketing savvy. Here's how it works.

The perpetrators of the paradigm shift are Lexis-Nexis and West Group, the two superpowers of legal publishing. For twenty years, these companies have given law students free access to their otherwise exorbitantly expensive electronic databases. Their legal databases, known as Lexis and Westlaw, are voluminous libraries containing information such as judicial opinions, statutes, and law review articles. Indeed, the databases are so comprehensive, and their search engines so speedy, that most lawyers cannot live without them. And this is precisely the point.

Behind every practicing attorney is an impressionable young law student, and it is with that customer in mind that Lexis-Nexis and West Group offer law schools a deep discount. The current discount is about 90 percent off list price (less than sixty-two dollars per student a year for Lexis), which allows law schools to absorb the cost rather than pass it on to students. In this way, the thirty-nine thousand lawyers who graduate every year get hooked on the product before commencement.

The database race got its start in 1973—about the time today's average law student was born—when Mead Data Central introduced Lexis, the first computerized service that compiled court cases. The Lexis service was a blow to West Group, which had been publishing bound volumes of court decisions since the nineteenth century. West responded with Westlaw, its own database, and by the late 1970s both companies began offering a competitive discount to law schools.

More recently, two multinational conglomerates got into the action, putting their financial weight behind the data service companies' marketing know-how. In 1994, the European company Reed Elsevier, one of the world's largest publishers of academic journals, purchased Lexis-Nexis, and two years later, the Canadian company Thomson Corp., itself a legal publisher, merged with West Group.

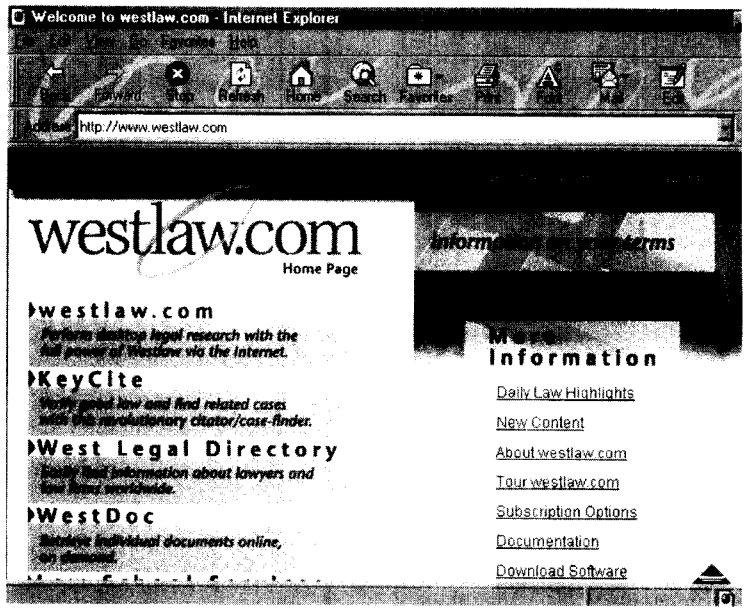
Now Reed Elsevier is on a roll. Last spring, it snapped up Matthew Bender & Co. and Shepard's Co., two respected publishers of legal data. Thus, two multinationals now control most sources of legal information, and the dearth of competition has enabled them to jack up their prices for law firms.

But the superpowers aren't finished yet. In the past year, in response to the popularity of the Internet, both West Group and Lexis-Nexis made their legal databases available to lawyers and law students on the Web. Before that, the companies gave law schools copies of their software, which allowed students to access the legal databases from home via modem. But producing and distributing the software is inefficient—and no longer hip. Starting this fall, there will be no more free diskettes. Instead, West and Lexis representatives will descend on law school libraries, teaching first-year law students how to access the databases via the Web at www.westlaw.com and www.lexis-nexis.com. Students will have the option to use either company's site, so the proprietors are redoubling their efforts to establish brand loyalty among the neophytes.

> The two superpowers compete to hook law students before graduation.

The selling process begins with the basics. One of the first things law students learn is how to choose the best court decisions to support an argument by doing a citation search. In the past, this meant thumbing through indexes and hauling down heavy books from the stacks, but now all it takes is typing in the case citation and waiting for the computer to display a list of subsequent decisions that have upheld, commented on, criticized, or overruled the case in point.

Lexis-Nexis's flagship citation service is the 125-year-old Shepard's method, which allows students to "shepardize" a case. Shepard's enjoys prestige, particularly among older lawyers, in part because they know that human beings read the cases and analyzed them one by one. By contrast, West's citation service, KeyCite, was generated entirely by computer algorithms, which scan for keywords. But since West intro-



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duced KeyCite in 1997, the company has been aggressively training students to use it, many find its spiffy layout more user friendly than Shepard's.

Because West has a considerable interest in converting students to its services, the company offers lots of incentives. Law students who use KeyCite and demonstrate "excellence in legal research" are eligible for awards, ranging from a Swiss Army knife to a twenty-five-thousand-dollar scholarship. Professors who display "innovation in teaching" through creative uses of TWEN—West's virtual classroom software—stand to win a Pentium notebook computer. And, according to West's promotional material, anyone who shops on the TWEN Commons will find products "tailored to the law school market," including "discount airline fares exclusively for law students."

While law schools are enjoying all this lagniappe, law firms (and their clients)

> On westlaw.com, charges accrue with every search, every download—indeed, virtually every click you make.

are paying through the nose for access to the databases. Both conglomerates employ what is known as "transactional pricing." With westlaw.com, this means that charges accrue with every search, every download—indeed, virtually every click you make. If, while waiting for Westlaw to retrieve a document, you happen to click the "Go" button twice, you pay double. And if you exit the Westlaw Web site by closing the browser instead of clicking "Sign Off," you will not find out the cost of your search until the bill arrives. The cost of a Westlaw or Lexis search can run up to several hundred dollars an hour.

There are other less pricey, but more restrictive, options. For smaller firms, Lexis and West offer a flat monthly rate for access to a limited set of databases, typically the judicial decisions and statutes that pertain to a single state. Monthly rates begin at about one hundred dollars per user. For those who can't pay even that much, the superpowers make their wares available on a case-by-case basis. Lexis charges a fifteen-dollar minimum for a single search, and West will retrieve a single document for eight dollars.

Meanwhile, law students continue logging on for free. Is there a downside to virtually giving away such an expensive product? Well, there's always the risk that a callow student might try to sell his password to a practicing lawyer. (Just such an incident took place last year at the University of Richmond Law School.) But the loss of a few thousand dollars on the black market is outweighed by the potential to hook every new generation of lawyers on electronic searching. After three years of Web surfing on Lexis and Westlaw, what self-respecting law student would want to go back to the paper chase?

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THE CENTER CANNOT HOLD

WHEN THE MARTIN LUTHER King Jr. Center for Non-Violent Social Change in Atlanta opened to the public in 1981, its archive—equal parts scholarly research center and public library—was to be its most important attraction. "For some time, it was really a wonderful place," says David Garrow, a professor at Emory Law School and the author of *Bearing the Cross*, a Pulitzer Prize–winning biography of the civil rights leader. Researchers moved freely in and out of the center, had liberal access to documents, and received support from full-time staff. Garrow, along with Taylor Branch, whose two ambitious volumes on "America in the King years" have won widespread acclaim, was one of the first scholars to take advantage of the King Center's vast holdings—which include not only King's papers but also the records of other major civil rights activists and organizations such as the Student Nonviolent Coordinating Committee (SNCC).

But many scholars, Garrow and Branch among them, claim that in recent years the Center has been decidedly less welcoming. Louise Cook, the Center's archivist until 1987, says the Center was "essentially closed" to scholars due to the lack of archival staff from the time of her departure until 1995. And Taylor Branch, who says that he has seen the archive in "terrible condition," believes the situation represents "a severe liability to future work on King. In fact, I would call it a disaster."

When Duke University divinity professor Richard Lischer set out to write a book on King's sermons, he hoped to listen to rare audiotapes of King's early sermons at Dexter Avenue Baptist Church. But once he got to the center and began researching, he encountered frustration. Repeated requests to gain access to the tapes at the archive were denied. Other attempts to view documents related to King's early life were also rebuffed by King Center officials. Though Lischer did manage to gather enough primary material to write his book, *The Preacher King* (published in 1995), he had to concede in his Introduction that "perhaps a clearer picture [of King] will emerge when the King estate grants further access to his...sermons and speeches."

"My problem with the archive at the King Center was that it didn't act like an archive," Lischer says today. "It seemed to be as interested in restraining the researcher as it was in making material available." Not everyone is as lucky as Lischer, who at least managed to get in—or as forgiving. "The whole situation is a mess," says King biographer Adam Fairclough of the University of East Anglia. "Over the last few years, there has been one series of horror stories after another. It's incredible that a collection of

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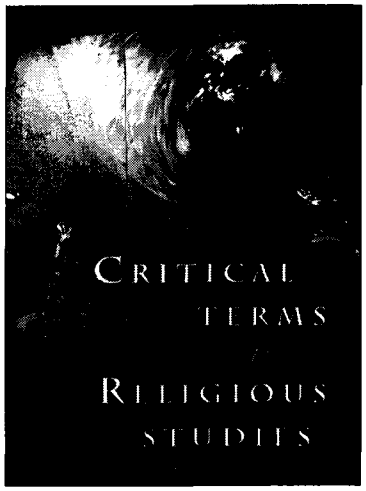

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this importance should be squandered. It's a major blow to historical research."

The source of the problem seems to lie in the fact that, unlike similar collections housed at universities or public facilities, the King Center is private: It's owned by the King family, and King's son Dexter serves as its director. And it is the family's indifference to the needs of researchers that has upset scholars. Taylor Branch reports that on a nonresearch visit to the Center in 1996, he noticed that parts of the library were closed and that the roof was leaking. Others, including Lischer and Arizona State University English professor Keith Miller, complain that the estate charges high permissions fees for the privilege of reproducing King's words.

Cynthia Lewis, head archivist at the Center, acknowledges that it has been beset by inadequate budgeting and staffing in the past. But she believes that the worst is over, and notes that six thousand people a year now use the Center. Access is sometimes restricted for primary and secondary school students, she says, but most of the Center's holdings are available to professionals, graduate students, and even undergraduates. But Lewis—who assumed her current post in 1993, and who worked at the Center during the early 1980s—may face an uphill climb. From 1987 until she was hired, the Center had no full-time archivist. Funding was cut and staffing slashed to help pay off the Center's deficit, which ran as high as $700,000 before Dexter King took over in 1994. King has responded to the fiscal crisis, according to *Newsweek*, by further "slash[ing] staff and programs." Is there any reason to believe that the King family will now give the archive the support it deserves?

Clayborne Carson, the editor of the Martin Luther King Jr. Papers Project at Stanford University, believes the King family has lost interest in maintaining the archive on its own. "I've seen the handwriting on the wall for some time," Carson says. "Dexter understands that he doesn't want to spend the rest of his life raising money to maintain the library and to fund fellowships and internships there. He wants to let go of all those functions. He's really interested in the dissemination end of it—the more exciting publishing end." Indeed, the King family last year signed a multimillion-dollar deal with Time Warner to publish books of King's orations and writings and produce CD-ROMs of his speeches.

But even if the archive were to remain virtually inaccessible, would that really be such a loss? After all, much of the material held in Atlanta has been photocopied and turned over to Stanford's King papers project, which has embarked on the painstaking task of transcribing, annotating, and publishing thousands of documents. Within the next twenty years, the project is set to complete its work (so far, it has published three volumes of papers). "The volumes of King papers will be the most comprehensive body of material out there," says Carson. And he maintains that the primary papers on King are and have been readily available.

But others disagree. "There's a wealth of material at the center that has not been read that much—particularly his unpublished speeches and sermons," says Arizona State's Miller, who is the author of *Voice of Deliverance*, a study of the language of King's addresses. "There are maybe six or seven people who have ever made an attempt to go substantively through that material." When one adds up the weekly sermons King gave at Dexter Avenue Baptist Church from 1955 to 1960, his unpublished Ebenezer Baptist Church sermons, and the sermons he gave throughout the country during the height of the movement, "you have dramatically more materials than have been thus far made available to serious researchers," Lischer says. While transcripts of some of those sermons will make their way into the King papers project books, others—because of their sheer number—will not. And there's simply no substitute for feeling the paper, or examining the handwriting, or hearing the audiotaped cadences of the real thing.

> "My problem with the King Center was that it didn't act like an archive," says one scholar.

THE KING FAMILY IN 1997 (DEXTER KING, CENTER)

In response to the family's waning interest in the archive, Carson has suggested that they move it to Stanford or Emory, where full-time archivists could preserve the papers and accommodate research requests more efficiently. But, says Carson with a sigh, "The negotiations are slow. The pace isn't there right now. There are a lot of higher priorities for the family." And the possible move to Stanford has raised the hackles of civil rights veterans and Southern scholars like Garrow. "Movement alumni would say it's fine if Dexter moved Dr. King's papers to Madagascar, but you can't take the SNCC or SCLC [Southern Christian Leadership Conference] papers out of Atlanta," he says. "It would be a spiritual offense against the movement's history to send those documents to Palo Alto."

But Taylor Branch says "it would be a good thing to transfer the materials," adding that "it's a tragedy that the archive at the Center is so sparsely used." And Lischer worries that King's legacy, which his family is in some ways so zealous about preserving, is at risk. "Serious work on King as a thinker and a speaker is bound to be inhibited by the difficulty of gaining access to primary materials," he says. If access continues to be restricted, he worries, "then something of the real Martin Luther King is being lost."

ROMESH RATNESAR

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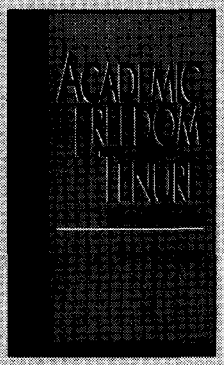

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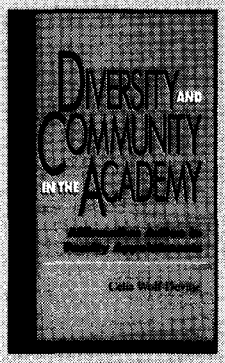

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Leo Katz, professor of criminal law at the University of Pennsylvania Law School and author of *Ill-Gotten Gains: Evasion, Blackmail, Fraud, and Kindred Puzzles of the Law* (Chicago, 1996).

"*Placing Blame: A General Theory of the Criminal Law* (Oxford, 1998) is **Michael Moore**'s landmark contribution to criminal law theory. It explores the moral underpinnings of our criminal law and touches on virtually every important problem in the field. Moore takes on questions that range from the most general—why we punish, what we punish, whom we punish—to the very particular: When is it right to torture terrorists? Is a successful assassin more wicked than an unsuccessful one? Can you blame a criminal whose misdeeds result from a clearly identifiable neurological defect? The book is likely to prove no less influential than **George Fletcher**'s seminal work of twenty years ago, *Rethinking Criminal Law* (Little, Brown, 1978), which is similar in scope and ambition and did just what its title promised: It rethought the entire field from the ground up. Both books proceed from a determinedly nonutilitarian perspective and are chock-full of contentious and controversial claims that are vigorously argued and sure to elicit both great acclaim and apoplectic dissent."

....

Jennifer Gonnerman, a staff writer for *The Village Voice* who covers prisons and criminal justice issues.

"As politicians pursue tough-on-crime policies with increasing zeal, it's important to recall disturbing chapters in American prison history lest we repeat our mistakes. One recent contribution is **Allen Hornblum**'s *Acres of Skin: Human Experiments at Holmesburg Prison* (Routledge, 1998). This exposé details how Dr. Albert Kligman, the renowned dermatologist who discovered Retin-A, turned a Philadelphia prison into his own profit-making laboratory from the 1950s to the 1970s. Kligman tested lotions, creams, shampoos, and dozens of other remedies on the bodies of inmates, who made about fifteen dollars per study. Meanwhile, Kligman—and his employer, the University of Pennsylvania School of Medicine—made millions from the pharmaceutical companies who hired him. Experiments on inmates have since been banned, but this book is a crucial reminder of a horrifying and oft-forgotten part of our past."

....

Roger Lane, professor of history at Haverford College and author of *Murder in America: A History* (Ohio State, 1997).

"The abduction of children is a recurring theme in American history: English youngsters snatched for sale as indentured servants, slave babies taken from their mothers, whites kidnapped by Indians. But according to **Paula Fass** in *Kidnapped: Child Abduction in America* (Oxford, 1997), child abduction made its first deep imprint on public consciousness with the attempted ransom of little Charley Ross in 1874. In analyzing the cases of Leopold and Loeb, the Lindbergh baby, and others, Fass finds that the publicity surrounding kidnapping has expressed some of our deepest concerns about law and family, gender and sexuality, crime and insanity. Recent abductions by divorced parents reflect both changes in the family and contemporary suspicion of the state, with a host of media, agencies, experts, and ideologues eager to interpret and sometimes exaggerate the phenomenon. Although it is sometimes strained and repetitive, Fass's book is still an original look at an important and historically neglected subject."

....

Katheryn Russell, professor of criminology at the University of Maryland and author of *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroaggressions* (NYU, 1997).

"Next year will mark the centennial anniversary of **W.E.B. Du Bois**'s *The Philadelphia Negro: A Social Study*. On the basis of a fifteen-month study, Du Bois evaluated the condition of blacks in post–Civil War Philadelphia. Crime, he wrote, is 'a phenomenon of organized social life, and...the open rebellion of an individual against his social environment.' Thus, 'a complete study must not confine itself to the group...but [also consider] the far mightier social environment.' Du Bois's painstaking research, which included a house-to-house canvass of the city's Seventh Ward, explored crime and several crime-related variables—education, occupation, neighborhood, family, income, drugs, and race discrimination. With its wide-ranging research methods and detailed synthesis of micro- and macrolevel data, *The Philadelphia Negro* is an example of the best the criminological canon has to offer. It should be stock reading for any student of criminology."

....

John Kleinig, professor of criminology at John Jay College, professor of philosophy at CUNY Graduate Center, and author of *The Ethics of Policing* (Cambridge, 1996).

"The happy demise of the third degree as a means of extracting confessions has unfortunately gone hand in hand with an increase in the use of deception in gathering evidence. The pervasiveness of such tactics, along with an exploration of their moral intricacies, is superbly detailed in **Gary Marx**'s *Undercover: Police Surveillance in America* (California, 1988). If investigative tactics may be subtly

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nuanced, so too may criminal conduct. The many layers of **Bernhard Schlink**'s novel ***The Reader*** (Pantheon, 1997) show how, even when the criminal justice system appears to be working well, it may fail to grasp the deep complexities of human conduct. In Schlink's tale of a former Nazi camp guard's trial, we learn that cogent self-defenses may be withheld in a court of law lest deeply private personal information be revealed. Schlink's spare style gives power as well as poignancy to this ironic parable about the social dimensions of self-esteem."

• • • •

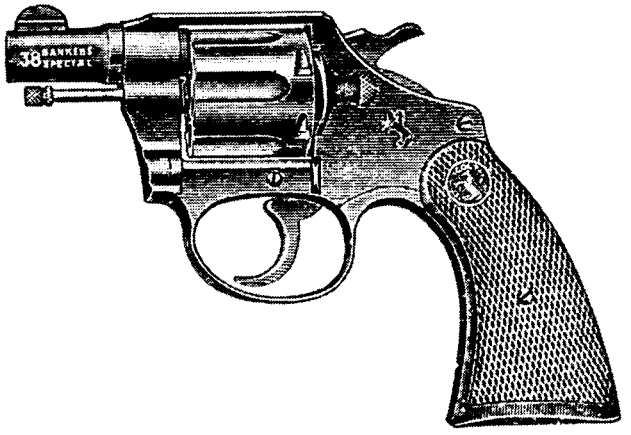
Nicholas N. Kittrie, professor of international criminal law at American University and author of *The Tree of Liberty: A Documentary History of Rebellion and Political Crime in America* (Johns Hopkins, 1986).

"Last year brought verdicts in five of the most notorious politically connected trials in America. In two cases—the World Trade Center bombing and the Washington CIA headquarters shooting spree—the offenders are newcomers from the Middle East. But in the three others—the Unabomber, Terry Nichols, and Timothy McVeigh—they are homegrown terrorists. In ***One of Ours: Timothy McVeigh and the Oklahoma City Bombing*** (Norton, 1998), **Richard A. Serrano** chronicles not only the individual tragedies of the Oklahoma City bombing victims, but also McVeigh's transformation from the 'boy next door' and an army sharpshooter into a disaffected loner who embraced the hate-filled dogmas and conspiracy theories of the ultraright. Unfortunately, Serrano fails to broach a broader question: Why have a growing number of Americans lost so much trust in government that they are willing to confront it not only through civil disobedience but also through indiscriminate violence?"

• • • •

Mark Seltzer, professor of English at Cornell University and author of *Serial Killers: Death and Life in America's Wound Culture* (Routledge, 1998).

"Debates about violent crime frequently center on the relationship between acts of violence and the proliferating representations of violence in our culture. Is rape a direct extension of hard-core pornography? Do children copy violent acts depicted on television? Several recent novels grapple with the intimacy between violence and representation at contemporary crime scenes. In ***Minus Man*** (Penguin, 1991), **Lew McCreary** depicts the stranger-intimacies of a society that compulsively gathers around public spectacles of shock, trauma, and the wound. This wound culture is also brilliantly inhabited in **Eoin McNamee**'s ***Resurrection Man*** (Picador, 1995), a novel that tracks the repetitive rhythms of political and sexual violence. And in **Denis Johnson**'s ***Already Dead: A California Gothic*** (HarperCollins, 1997), the abnormal normality of addictive violence is powerfully traced."



• • • •

Franklin Zimring, professor of law at the University of California at Berkeley Law School and co-author of *Crime Is Not the Problem: Lethal Violence in America* (Oxford, 1997).

"Crime and criminal justice policy offer perennial opportunities for demagogues in American politics. They are topics where fear and false information often masquerade as expertise. Two recent books, however, provide invaluable perspective for the student of criminal justice in the 1990s. **Lawrence Friedman** paints skillfully with a very broad brush in ***Crime and Punishment in American History*** (Basic, 1993). Friedman's account of the rhetoric and the reality of criminal justice in earlier eras reveals that many of what are regarded as unprecedented emergencies of the present are chronic conditions in American society and U.S. criminal justice. **Francis Allen** shows how intellectual, social, and institutional forces have compromised America's commitment to the rule of law in his masterful ***The Habits of Legality: Criminal Justice and the Rule of Law*** (Oxford, 1996). In Allen's view, the public enthusiasm for antidrug crusades and execution without delay comes at a high price, if traditional American legal values are worth preserving."

• • • •

John R. Lott Jr., a fellow in law and economics at the University of Chicago Law School and author of *More Guns, Less Crime: Understanding Crime and Gun Control Laws* (Chicago, 1998).

"One of the most persistent myths is that murder rates are highest in countries with the highest levels of gun ownership. **David B. Kopel**'s ***The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?*** (Prometheus, 1992) punctures that myth, providing the best detailed examination of gun laws—and their social, historical, and cultural contexts—in various democracies, including Japan, Canada, New Zealand, and the United States. Kopel provides compelling international evidence that differences in crime rates can be explained by differences in the risks criminals face depending on whether law-abiding citizens are allowed to defend themselves. Anyone interested in the debate over children and guns, background checks and waiting periods, and assault-weapon bans should also refer to Kopel's edited volume ***Guns: Who Should Have Them?*** (Prometheus, 1995)."

JOHN PALATTELLA

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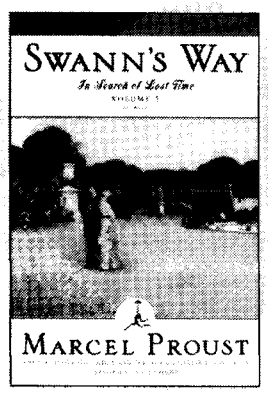

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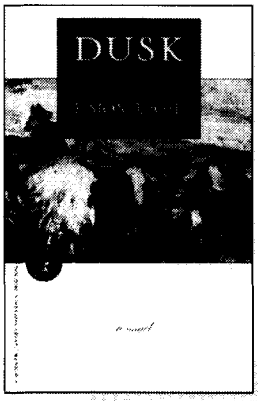

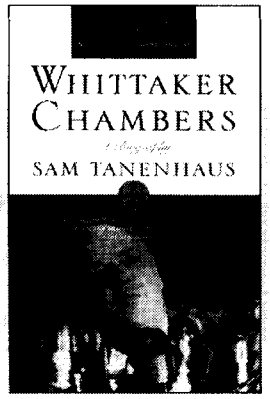

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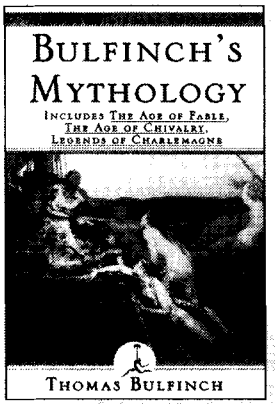

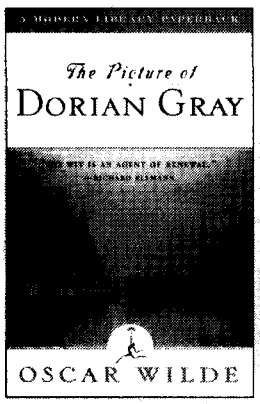

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Inside *Publishing*

TIP OF THE ICEBERG

COURTESY OF PARAMOUNT PICTURES

MADONNA, EAT YOUR HEART OUT. NAUTICAL blockbuster *Titanic* is the newest showbiz sensation to attract the attention of the cultural studies crowd. University of Michigan film and video studies professor Gaylyn Studlar and lecturer Kevin Sandler are in the process of editing what may be the first academic equivalent of the quickie pop-culture best seller—the thinking person's alternative to the Leonardo DiCaprio bios and HEART OF THE OCEAN pendants now flying out of stores.

Each essay in their forthcoming volume, Sandler explains, will use a different methodology to try to explain "why the movie made so much money." Some chapters deconstruct Leo-besotted fan Web sites; others trace the use of special effects, the musical cross-marketing, or "the blue diamond necklace as a signifier of desire and its role in delivering the film's ideological message as related to extravagance and grossness."

The anthology itself will steam toward shelves in record-breaking time. "As far as I know, nothing like this has been applied to a current film in such a short turnaround time," muses Sandler. "We gave contributors two and a half weeks for the abstract, two months to write the article. It would be perfect if it could come out immediately." (In fact, Rutgers University Press is likely to bring it out in the spring of 1999, a bit past the curve—unless, as is rumored, director James Cameron rereleases the film with extra footage.)

Neither the editors nor most of the contributors are big fans of the movie. Indeed, the book is intended to throw a wave of icy water across the bow of *Titanic*'s success. "I just wondered, how in the world can this be so popular?" says Studlar with a laugh. "It's so bad. Obviously that's why I'm a scholar and not a movie person." Alexandra Keller, a recent graduate of NYU's film studies program, explains, "To me, the film is basically repugnant. It makes very reassuring statements about class." The elderly Rose, she argues, has lived a "luxurious life of adventure...I don't see her holding up a union sign in any of those pictures!" As for Sandler (who found the film "boring"), he envisions the book as a cake with a file baked into it: Titaniacs will buy it for the title, only to gain the analytical tools to deconstruct their own fandom. (There are exceptions. Contributor Julian Stringer, a doctoral candidate at Indiana University, notes cheerfully, "I've seen it three or four times and I haven't yet got sick of it.")

Neither the editors nor most of the contributors are big fans of *Titanic*.

Is the book's market-savvy swiftness a tad hypocritical, given these critiques? Not really, says Vivian Sobchack, a professor of critical studies at UCLA's School of Theater, Film and Television, who will contribute an article titled "Bathos and the Bathysphere: Submersion, Longing, and History in *Titanic*." "It's neither horribly exploitative nor all that subversive. And presumably, Rutgers wants to make some money. I mean, we're not exempt from our culture!"

"If you want to call it cashing in, you can," adds Matthew Bernstein, associate professor of film studies at Emory. "But why vilify academics for writing something that has large appeal?"

EMILY NUSSBAUM

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PLOTTING THE PLOT

IN PAUL AUSTER'S NOVELLA *CITY OF GLASS*, A writer of detective novels tails a mysterious-looking man around New York City streets for days, trying to determine if he's up to no good. The writer is baffled—until he has the inspiration to map his suspect's daily wanderings. When graphed on paper, these walks through the Upper West Side form a striking pattern: Each day, the shape of a letter emerges. Step by step, a message is being sent. Or is it?

Auster's hero may well be paranoid, but Franco Moretti—the fully sane literary critic—embarked on a similar project a few years ago. Sitting at his desk at Columbia University, he whimsically decided to see if anything illuminating might come from tracing Elizabeth Bennet's footsteps in *Pride and Prejudice*. So he photocopied a detailed eighteenth-century map of England and started plotting Lizzy's ploddings through three hundred pages of text. The result was disappointing. It was, in Moretti's words, "pure chaos—a big, black mess." Undaunted, the professor tried to ferret out a visual logic to Darcy's movements. No luck. Austen, it seems, was no Auster.

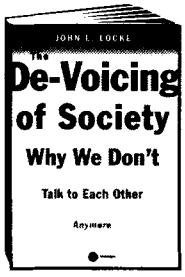
And yet Moretti continued to make maps. He finally hit pay dirt, he says, when he "began asking more creative questions." For example, after plotting the starting and ending positions of characters in Charles Dickens's novels, he could see a clear pattern of diaspora: Most of the author's favored creations, it turned out, flee the gray universe of London for the green countryside by story's end. By mapping the boundaries of Austen country against the fictional world of Sir Walter Scott's *Waverley*, Moretti saw that the two writers—and, by extension, the worlds of country house manners and of historical romance—nestled in wholly different spaces, almost but never touching in the northern English county of Derby. Similarly, out of a sample of nearly sixty gothic novels written around the time *Northhanger Abbey* was penned, only one operated inside the same sphere as Austen's books. Other insights were simply amusing: When he pinpointed the origins of a gallery of Victorian villains on a single map, he learned that France is the wellspring of evil.

The result of Moretti's labor-intensive foray

Exploring the Roots of Our Existence

The De-Voicing of Society
Why We Don't Talk to Each Other Anymore

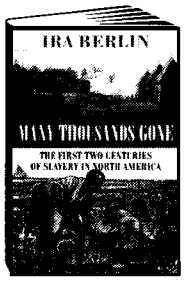
by John L. Locke



In a society overwhelmed by e-mail, voice mail, faxes, and information, Locke contends that we are actually forgetting how to talk to one another. In this witty, provocative book, he calls for a reconnection to our species' deeply social nature and suggests ways to repair the community of trust on which we all depend. *(Simon & Schuster) hardcover, 20% discounted price: $20.00**

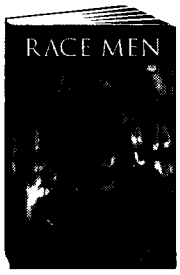
Many Thousands Gone
The First Two Centuries of Slavery in North America

by Ira Berlin



This history traces black society's evolution from the early seventeenth century through the American Revolution. Laboring as field hands on tobacco and rice plantations, as port city artisans, or frontier soldiers, generations of African- Americans struggled to create a world of their own. Berlin shows the diverse forms that slavery and freedom assumed before cotton was king. *(Harvard Univ. Press) hardcover, 20% discounted price: $23.96**

Race Men
by Hazel V. Carby



Who are the "race men" standing for black America? Carby rejects this question along with the assumption that a particular type of black male can represent the whole race. A searing critique of America's definition of black masculinity, *Race Men* shows how these assumptions play out socially, culturally, and politically for black and white society–and how they exclude women altogether. *(Harvard Univ. Press) hardcover, 20% discounted price: $19.20**

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into cartography is *Atlas of the Novel 1800–1900* (Verso). The book, which Moretti calls a work of "literary geography," is an extended essay punctuated by one hundred black-and-white maps. The book charts the myriad ways geographical space helped shape the narratives of nineteenth-century fiction.

Moretti's impulse is not entirely original. Every Joyce scholar worth his salt has charted Bloom's peregrinations through Dublin at least once. And Vladimir Nabokov's *Lectures on Literature* includes obsessive (if clumsily rendered) maps, from an intimate breakdown of the geography of *Mansfield Park* to a sketch of the streets and garden pathways of Combray in Proust's *Swann's Way*. But while Nabokov used his maps simply to underscore his belief that a careful reader must "get clear the specific world the author places at his disposal," Moretti's aims are grander. "Geography is not an inert container," Moretti claims. "It is not a box where cultural history 'happens,' but an active force that pervades the literary field and shapes it in depth."

So how does geography affect literary form? Take the bildungsroman. By mapping the paths of struggling artists in dozens of European examples of the genre, Moretti shows that protagonists who find themselves in a country with an obvious cultural center, like France, all too quickly zero in on the capital city, while those in developing nation-states, like Italy, tend to have more picaresque (and thus slower) journeys toward adulthood. There's simply no clear place to go. The presence of a Paris, then, affects the shape—and the pace—of a narrative.

And how. In Moretti's view, the geography of Paris—with its scruffy Latin Quarter, separated by the Seine from the more exclusive precincts around the Champs Élysées—helped generate Balzac's spectacular narratives of desire in *La comédie humaine*. Balzac's ambitious youths—always found in the Latin Quarter—can literally *see* what they want and *feel* their separation from it. While Dickens's characters want to escape the maze that is London, Balzac's just want to get across the river. The polar-

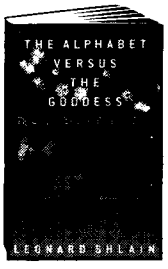
COURTESY OF VERSO

Finding Meaning and Purpose

The Alphabet Versus the Goddess

The Conflict Between Word and Image

by Leonard Shlain

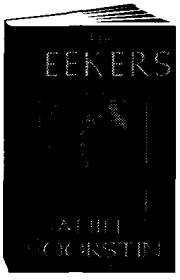


From the author of *Art and Physics* comes a new book which makes connections across many topics, including neurology, anthropology, history, and religion. Leonard Shlain argues that the development of alphabetic literacy reinforced the brain's masculine left hemisphere at the expense of its feminine right. This disparity has affected women's status in society, mythology and religion. *(Viking) hardcover, 20% discounted price: $19.96**

The Seekers

The Story of Man's Continuing Quest to Understand His World

by Daniel Boorstin



The Seekers is a history of our Western heritage of ideas as told through the lives of the great personalities who sought meaning and purpose in human existence. This is an epic story about the people, from Moses to Einstein, who attempted to answer the quintessential questions of life: Who are we? Why are we here? Boorstin also authored *The Discoverers* and *The Creators*. *(Random House) hardcover, 20% discounted price: $20.76**

KA

by Roberto Calasso

Employing the same originality and brilliance that made his *The Marriage of Cadmus and Harmony* a literary landmark, Robert Calasso narrates the birth of one of the world's great cultures: the formation of the mind of India. He does not explain or describe this mental world–he regenerates it through its epic cyclical stories and customs. *(Knopf) hardcover, 20% discounted price: $22.00**

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ized geography of Paris, Moretti argues, offered a charged geometry for Balzac to exploit.

Moretti maps out the precise Parisian locations where "daydreams, erotic fantasies, imaginary revenges, [and] sudden epiphanies" erupt in several Balzac novels. The map demonstrates, he believes, that such moments almost always happen "exactly midway between the world of youth and that of desire," such as in the "no-man's land of the bridges suspended across the Seine." Other cities "lack a symbolic equivalent of the *rive gauche*," Moretti writes, "and so, they fall short of the intensity of Paris." Wonders the professor: "How much did British culture lose by not having a Latin Quarter?"

"How much did British culture lose by not having a Latin Quarter?"

If that strikes you as a pretty broad conclusion, listen to what Moretti makes out of a few maps derived from Scott's *Waverley*. From charting the book's geographic trajectories, Moretti sees evidence that "stylistic choices are determined by a specific geographical position." In his view, Scott's typically concrete language becomes intensely metaphorical at the border of the Scottish Highlands. (The farther away the hero ventures from everyday life, he reasons, the looser the language.) And so a sunset resembles a "fiery vehicle in which the Evil Genius of an Oriental tale traverses land and sea." So has Moretti stumbled upon, as he calls it, a "space-trope continuum"? Or simply a baroque metaphor for a sunset?

Moretti admits that at times his map-making impulses venture beyond the borders of good sense. "If we *could* link geography to style in a definitive way, well, that would be a fantastic discovery!" he says with a laugh. "I just wanted to bring some of these possibilities up."

The *Atlas* ends with a less fanciful coda, in which Moretti steps outside the internal geographies of novels and uses maps to chart the sociology of literature. For one series, he combed through the translation histories of dozens of nineteenth-century novels and traced their marches across Europe. With Moretti's maps, one can see in the blink of an eye that the oeuvre of Eugène Sue—the author of potboilers like *The Mysteries of Paris*—conquered the Continent with alarming speed. By contrast, French literary heavyweights like Stendhal and George Sand had a hard time attracting foreigners' attention.

The instant recognition that maps allow explains their charm for Moretti. "It's an elegant intellectual constraint," he says. "If you map out your thesis and you don't see a pattern, then you know it's wrong." Indeed, Moretti seems to pine for the certitude that one finds in the laboratory. "I think literary criticism needs to submit to the rigor of science." This impulse is a Moretti hallmark: His last book, *Modern Epic*, tried to unite Darwinism with literary study, tracking the ways one literary form evolves into another.

So what's next for Mercator...uh, Moretti? He still hasn't mapped out any George Eliot or Thomas Hardy novels, and he's tempted by what he might find. "I still have some more maps in me," he says. Of course, he might try his hand at mapping some New York novels. Edith Wharton might be interesting—not to mention Paul Auster.

DANIEL ZALEWSKI

SHAMAN OR SHAM?

IN JUNE, *THE NEW YORK TIMES*, CNN, THE Associated Press, and other hard-fact merchants broke the news that a famous man had died—in April. He was Carlos Castaneda, "the godfather of New Age" and the best-selling author of eleven books about the beliefs of borderland Indians in northern Mexico. But even when everyone realized that Castaneda was dead, no one was sure how old he had been, what country he was from, or whether Castaneda was his real name. As his ex-wife once wrote, "His closest friends aren't sure who he is." Castaneda himself was little help on these questions. "There is nothing to Carlos Castaneda," he said. "Personality is pretense. Fame? Success? Who gives a shit?"

Apparently the University of California Press does. Castaneda's death came on the eve of the press's thirtieth-anniversary reissue of the 1968 counterculture classic that made Castaneda a celebrity: *The Teachings of Don Juan: A Yaqui Way of Knowledge*. While Castaneda's disarmingly lucid tale of psychedelic journeying has sold millions of copies as a mass-market paperback, it's seldom remembered that it was originally written as a master's thesis in anthropology. But a thesis based on what? Since the time of *Don Juan*'s publication, Castaneda's methods of fieldwork and the very existence of his primary informant have been sharply debated. And questions about the curious role of the academy in launching his career have never been resolved.

In 1960 Castaneda was an unknown anthro-

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pology graduate student at UCLA, researching Southwestern Native American plant use. As he told it, his research brought him into contact with an old *brujo*—what anthropologists call a shaman—named Don Juan Matus, a Yaqui Indian known to be an expert on peyote. Not long after, Castaneda abandoned his original project and became the sorcerer's apprentice. For the next five years, Don Juan escorted the increasingly less skeptical Castaneda on drug-induced excursions into "nonordinary reality." Eventually, however, hallucinogenic flashbacks and encounters with evil spirits persuaded Castaneda to take a sabbatical from his education. He recounted these experiences in his thesis, which became *The Teachings of Don Juan*. The book presents Don Juan's philosophy as an internally coherent worldview, wherein people could become animals, spirits resided in plants, and the nonordinary world was as real as the ordinary.

The book struck a chord in the counterculture of the late 1960s. Young people were thrilled by the premise that Western rationalism was sterile and unnatural—and by Castaneda's recommendation of drug use. Sales of *The Teachings of Don Juan* went through the roof.

It didn't take long for Castaneda to draw fire. An independent researcher named Richard de Mille spent a decade poring over Castaneda's work, publishing two thick volumes of exposé. He called Castaneda "one of the world's greatest hoaxers," asserting that Don Juan "was an imaginary person." He went on to state that the fictional character called Don Juan was actually a pastiche of plagiarized materials, including writings from Yogi Ramachmaka, *The Psychedelic Review*, Alexandra David-Neel, Ludwig Wittgenstein, D.T. Suzuki, and many others. De Mille (the son of Cecil B., as well as one of the earliest members of the Church of Scientology) also attacked the members of UCLA's anthropology department and the editorial committee at UC Press, a tack that won him few admirers in academe.

But even if they were not particularly enamored of de Mille, many academics agreed with his charges. Castaneda's colleagues in antrhopology suggested that "either Castaneda was a brilliant fraud or he was an incredibly careless and sloppy ethnographer" and condemned him for "methodological neglect." Edward Spicer, Jane Holden Kelley, and UCLA's own Ralph Beals—who together dominated Yaqui anthropology—said that they could find nothing recognizably Yaqui in Don Juan. As University of Arizona anthropologist Thomas Weaver says, "Consensus then and now is that Don Juan is a kind of imaginary amalgam of beliefs and practices from various ethnic groups. Don Juan is too mystical, too Eastern, too philosophical. He's just not a Yaqui shaman."

CARLOS CASTANEDA

EDDIE ADAMS/TIME MAGAZINE

For the most part, anthropologists reacted to these conclusions about Castaneda's work with a collective shrug. But at UCLA, the possibility that his scholarship was faulty threatened to tarnish the department's reputation. It is unclear whether Castaneda's advisers ever reviewed his field notes or subjected him to any scrutiny. What is clear is that—through force of personality, powerful prose, and a good handle on the Zeitgeist—Castaneda mustered a powerful group of admirers and managed to clear all of the department's hurdles, including, in 1972, the Ph.D. His supporters also helped usher *The Teachings of Don Juan* through UC Press. According to Robert Zachary, who then ran the press's Los Angeles office, the editors turned to Walter Goldschmidt—chair of the anthropology department, member of the UC Press editorial committee, and a supporter

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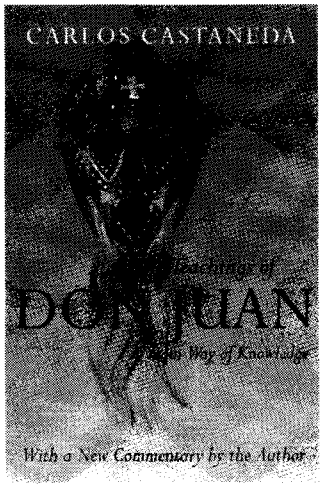
of Castaneda's work—to "divine the preponderance of opinion in the department." Goldschmidt reported that his colleagues largely stood behind Castaneda. As to the indignant criticisms from UCLA's Yaqui expert, Ralph Beals, Zachary calls them "arrogant." He says, "No one was an expert in the terrain of Castaneda's books." Still, the press was wary enough to give the manuscript to four readers instead of the usual two. But when—to the editors' surprise—all four reports came back positive, publication went ahead.

UC Press's 1968 catalog describes the book as "unprecedented and strangely beautiful" and assures potential buyers in markedly nonacademic terms that while "it is guaranteed a place in the literature of ethnology," it is even more important as "a living document to the spirit." The book was advertised in mainstream and alternative publications, and Castaneda was sent on an extensive speaking tour. But the book sold even better than the press had anticipated—so much better, in fact, that it became a liability. "It was a hot potato," says Zachary. "I had people calling me—film directors and such—and it was a pain. It interfered. We did academic monographs, and while they need not be dull, they can't be *that* interesting either. We wanted to make a profit, but not that much of a profit at that much of a loss." So the UC Press sold the paperback rights to Ballantine, who in turn sold them to Simon & Schuster. From then on, all of Castaneda's subsequent books went straight to the commercial houses.



Castaneda, by now a counterculture icon and proto–New Age guru, didn't seem to care about all the controversy. He resumed his apprenticeship to Don Juan and—as his subsequent books recount—eventually succeeded in becoming a sorcerer himself. By the late 1970s, Castaneda had disappeared from the public eye, cultivating a reclusive, Pynchonesque persona.

Now it is thirty years since the original publication of *The Teachings of Don Juan*, and the UC Press is gearing up to issue its anniversary edition of the book this fall, sales of which will likely benefit from the author's death. But no one has ever adequately addressed the questions of authenticity that surround the book. Castaneda always maintained that Don Juan was an actual person of the ordinary-reality type; beyond that, he volunteered little. In an author's commentary to the new edition, he recalls that when he originally proposed the Don Juan project, "Every one of [my] professors tried to dissuade me, on the basis of their conviction that before thinking about doing fieldwork, I had to give priority to the required load of academic subjects." And he admits that they were "absolutely right" in their advice.

All of which poses the question: Why is an academic publisher issuing the new edition? These days, of course, academic presses are far more eager to hold on to best-selling titles than they were in the 1960s. But unpleasant realities like dollars and cents aside, it's also true that the book has carned a place on syllabi covering the 1960s, if not on anthropology reading lists. UC editor Douglas Abrams Arava acknowledges that the book's content remains problematic. But he champions it nonetheless for its social impact: "It has been an extremely controversial book, but it ignited a social awareness of the value of indigenous knowledge and alternative paradigms for judging reality. It was a fundamental part of the 1960s cultural critique of Western social science. How Castaneda went about redefining or commodifying indigenous knowledge remains controversial, but in the final analysis, whether *Don Juan* is labeled as fact or fiction, it gives us a powerful prism that is worth keeping alive."

HAL COHEN

COVER STORY

WHEN HARVARD ANTHROPOLOGIST RICHARD Wrangham and science writer Dale Peterson published *Demonic Males* (Houghton Mifflin) in 1996, they were expecting to cause some controversy. Based on Wrangham's twenty-plus years of fieldwork in Tanzania, Uganda, and Zaire, the provocative book examines chimpanzee roughhousing, bonobo lovemaking, and even the "blustering brutality" of Rhett Butler in *Gone With the Wind* in order to link human male aggression to primate behavior. Men, the authors conclude, are dangerous beasts. More optimistically, they also call attention to the existence of peaceful, matriarchal simian societies. Although Wrangham and Peterson admit "the likelihood that male violence and male dominance over women have long been a part of our history," they deny that "it has to stay that way."

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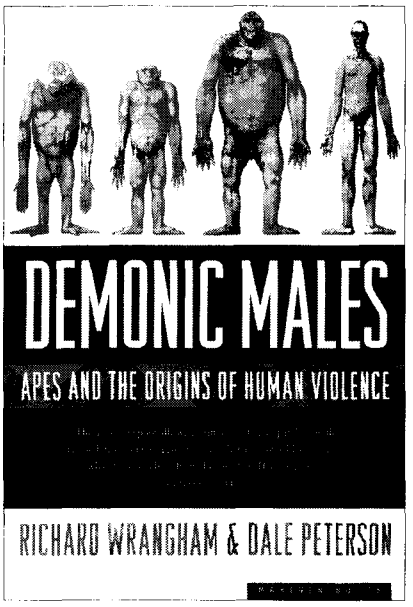
What Wrangham and Peterson did not expect was that much of the ensuing controversy would focus on their book's cover illustration. The cover shows four males side by side: an orangutan, a chimpanzee, a gorilla, and a naked human. These allegedly demonic males resemble clinical specimens rather than testosterone-charged fiends. The orangutan looks goofy, the chimpanzee confused, the gorilla stern, and the human—how exactly does he look? Knowing or vacant? Arrogant, brave, chivalrous? European, Asian, African? And there's the source of the controversy: Is the demonic human male African?



Writing in the May newsletter of the American Anthropological Association (AAA), Jonathan Marks, an anthropologist at UC-Berkeley and the author of *Human Biodiversity: Genes, Race, and History* (1995), asserts that "*Demonic Males* features the drawing of a gorilla and an African man on its cover" and goes on to "question the appropriateness of such a choice of imagery." The cover, he argues, exposes a latent racism in anthropological research: "No comparison of humans and apes can exist outside the context of the symbolic use of apes to dehumanize oppressed people over the last few hundred years." He concludes from his close analysis of the cover, "If it's science, it's a callous and thoughtless science; if it's anthropology, it's just plain dumb."

Wrangham quizzed friends and colleagues on his cover figure's race.

Actually, Wrangham's selection of the human figure for the cover may say as much about the ambiguity of racial categories as about anthropology's tainted past. Scouring a 1969 primatology text, Wrangham chose an etching of what seemed

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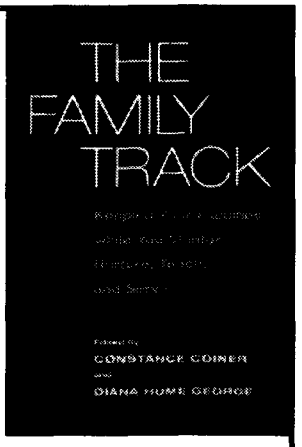

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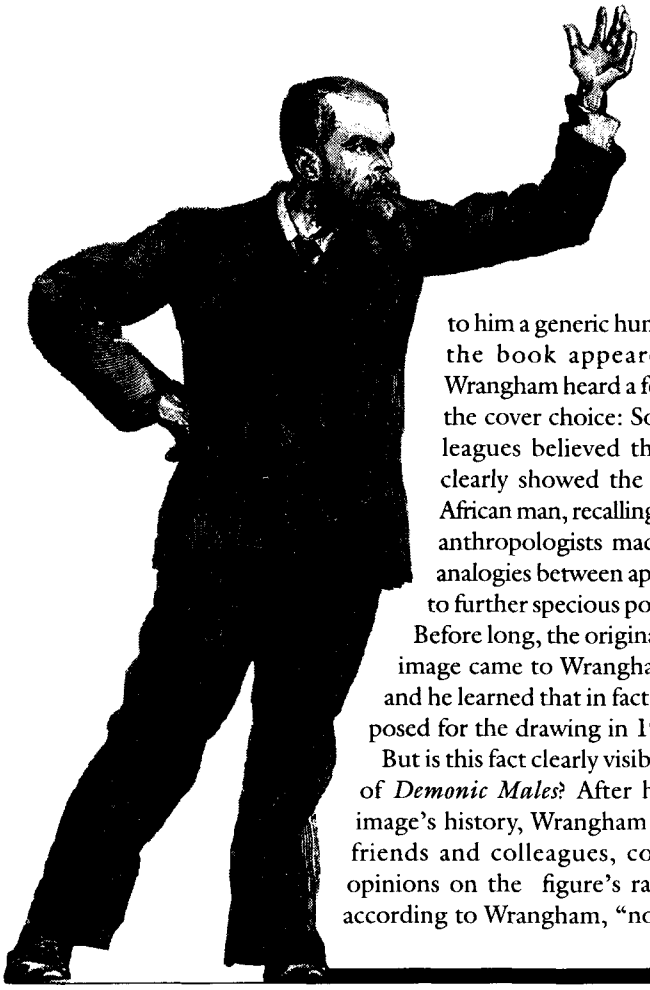
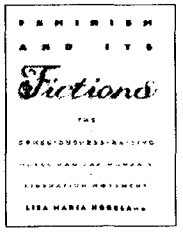


to him a generic human male. After the book appeared in stores, Wrangham heard a few criticisms of the cover choice: Some of his colleagues believed that the human clearly showed the features of an African man, recalling the days when anthropologists made tendentious analogies between apes and Africans to further specious political agendas. Before long, the original source of the image came to Wrangham's attention, and he learned that in fact an African had posed for the drawing in 1933.

But is this fact clearly visible on the cover of *Demonic Males*? After he learned the image's history, Wrangham quizzed more friends and colleagues, collecting their opinions on the figure's race. This time, according to Wrangham, "nobody thought of it as an African." Nevertheless, fearing more criticism, Wrangham considered a new cover for the paperback edition. He approached Houghton Mifflin about the possibility, but the publisher was reluctant to take on the expense and aggravation of a last-minute change, and so Wrangham was stuck with the offending image. Marks's criticisms appeared in the AAA newsletter soon after the release of the paperback edition.

While Wrangham may not be to blame for the implications of his book's cover, the reception of *Demonic Males* in the mainstream press suggests that Marks may have a point. For instance, a *Los Angeles Times* article about primate research, including Wrangham's, is illustrated with a photograph of New York Knicks center Patrick Ewing in action. For some reason, a comparison of male aggression in different primates brought to mind African-American professional athletes rather than, say, predatory corporate executives or bloodthirsty military officers. It's enough to make you wish that Wrangham had deliberately chosen a different picture—perhaps of a pale-skinned demonic male. Donald Trump, maybe, or Slobodan Milosevic—a fitting candidate would not be hard to find.

DOMINIQUE HARA SHERMAN



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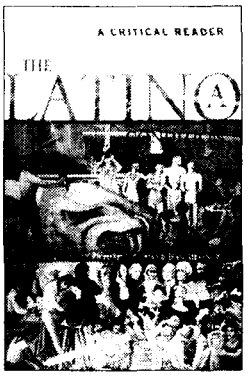

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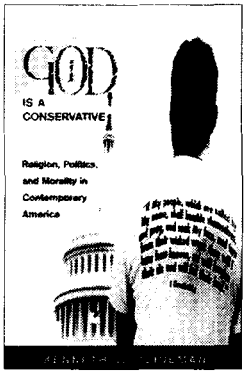

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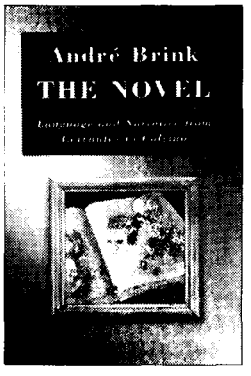

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AFRAID OF ELAINE SHOWALTER?

THE MLA PRESIDENT INCITES MASS HYSTERIA

BY **EMILY EAKIN**

WHEN THE PRINCETON UNIVERSITY feminist scholar and president-elect of the Modern Language Association (MLA) Elaine Showalter confessed to a lifelong love of shopping in the pages of *Vogue* last December, few colleagues were taken in by the piece's lighthearted, gamely self-mocking tone. Here, masquerading as a paean to lipstick and Loehmann's, was nothing less than a political manifesto. "From Mary Wollstonecraft to Naomi Wolf, feminism has often taken a hard line on fashion, shopping, and the whole beauty Monty," Showalter wrote. "But for those of us sisters hiding *Welcome to Your Facelift* inside *The Second Sex*, a passion for fashion can sometimes seem a shameful secret life.... I think it's time I came out of the closet."

In academic circles, the backlash was fierce. Throughout the month of December, a Cornell University–based women's studies discussion list debated the article's merits on-line. What did it mean for a leading academic feminist to come out in favor of hair extensions, nail polish, and Armani outlets—dubious symbols all of consumer capitalism and traditional femininity? Even those list members who rose to Showalter's defense were careful to maintain their critical distance. "I worry about arguments that associate a type of dress with the contents of one's mind and one's political persuasion," wrote one Showalter supporter. "The only name I have for regimes that require one to do so is FUNDAMENTALISM." Yet this same participant began her post by stressing that she herself did not subscribe to *Vogue*; she had perused the article "at a newsstand."

As the Cornell feminists raged on, Showalter was also rankling legions of anxious graduate students and jobless Ph.D.s with her pronouncements about the academic profession. Inaugurated as MLA president in January, Showalter turned briskly to the labor crisis now sweeping the humanities. In her first column in the association's quarterly newsletter, she suggested that doctoral candidates face up to their hard prospects and prepare themselves for nonacademic careers. Ph.D. programs, she argued,

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should ensure that "all graduate students in literature learn to write well enough to get paid for it," provide seminars "on educational organization, management, and negotiation," and offer "training in public speaking, small-group dynamics, [and] new media." Such skills, she insisted, are "as useful and transferable to those who will work in media, business, not-for-profits, or government as to future professors."

The MLA's Graduate Student Caucus was appalled. In a scathing response to Showalter titled "Tripping Over Our Gowns: Elaine's World," published in *Workplace,* the caucus's on-line journal, editor Marc Bousquet attacked the MLA president's "blame the victim pronouncements (graduate students write badly)," "embarrassing enthusiasm for the corporatization of the academy (graduate students need training in organization and management)," and "economically naive effort to get hold of our working lives and prospects with low-rent market metaphors." Bousquet quoted a line from Showalter's *Vogue* article: "For years, I've been trying to make the life of the mind coexist with the day at the mall." This, evidently, was a smoking gun. How could an MLA president who spent her spare time at Bloomingdale's be anything but hopelessly out of touch with the graduate student labor predicament?

But the angry feminists and graduate students were not the only or even the most populous of Showalter's unhappy constituencies. By the time she took up the helm of the MLA, she had spent nearly a year fending off hate mail and death threats inspired by her latest work of scholarship. This time, however, her antagonists weren't academics at all. For the most part they were tired and ill, sufferers of chronic fatigue and Gulf War syndromes. When Showalter's *Hystories* (Columbia) appeared last spring, dozens of irate patients turned up at book signings and on talk shows to protest the work's central thesis: that the debilitating symptoms of their own and several other contemporary afflictions are in fact "hysterical" disorders, in the old-fashioned Freudian sense of the word. Not just chronic fatigue sufferers and sick Gulf War veterans, but alien abductees, women possessed of multiple personalities and recovered memories, as well as survivors of satanic ritual abuse—all these people, Showalter argued, were latter-day Doras. Their suffering, she told them, was serious and real, but it was also entirely in their heads. So infuriating was this diagnosis to some of her readers that Showalter had to be escorted in and out of Barnes & Noble by armed guard.

THUS a middle-aged English professor became a lightning rod for controversy, provoking an outpouring of antipathy that few could have predicted. For unlike, say, Camille Paglia or Henry Louis Gates, Showalter was not known for personal flamboyance or empire building, had never appeared in *Vanity Fair* or on the cover of *The New York Times Magazine,* and did not regularly arouse extreme emotions in either her students or her colleagues. True, she was a frequent contributor to the popular press, wrote a lot of book reviews, and had even spent a year moonlighting as a TV critic for *People.* But none of these activities seemed to have left much of a mark on her academic reputation. For more than a decade, the epithets usually attached to her name connoted not modishness or iconoclasm but straightforward respectability ("one of the doyennes of American literary feminism" is a typical description). In her own words, Showalter was simply "not a person around whom legend accrues. I'm very much on the margins of that particular kind of academic celebrity. I'm not a topic of hot gossip."

So how within the last year she had become such a person—an object of feminist opprobrium, graduate student hostility, patient protest, and frequent media attention—requires some explaining. Was it possible that behind Showalter's bold language—in her book, in *Vogue,* as MLA president—was a calculated P.R. move, an attempt to jumpstart a flagging career, to counter the whispers of intellectual irrelevance ("Elaine is this parody of the modern academic, a woman who spends her time writing for *People* and jet setting")? Or was Showalter—a professor protected by tenure, a history of pathbreaking scholarship, and years of service to her profession—merely speaking from personal conviction regardless of the political advisability of doing so?

ONE way to begin answering these questions might be with the story of Showalter's gold briefcase. The year was 1985—what Showalter terms "the fag end of the dress-for-success movement." She had recently arrived at Princeton from Douglass College, the women's division at Rutgers University, where she had distinguished herself as a pioneering feminist scholar, establishing one of the country's first programs in women's studies and publishing one of the first major works of feminist criticism, *A Literature of Their Own: British Women Novelists From Brontë to Lessing* (1977), as well as several important articles on feminist theory. Along the way, she had racked up a number of impressive political bona fides, including a year as president of the New Jersey chapter of the National Organization for Women. These were the boom years for feminist literary criticism; credentialed professors were in demand, and Princeton was fortunate to snag Showalter from Douglass as well as Sandra Gilbert, co-author, with Susan Gubar, of the 1979 classic *The Madwoman in the Attic: The Woman Writer and the Nineteenth-Century Literary Imagination,* for its English department.

Despite her considerable reputation in the field, however, Showalter says that initially she had little to do with Princeton's women's studies program. "The last thing the women who started it wanted was some big hotshot coming in and telling them what to do," she explains. Still, she was invited to attend a weekly seminar for feminist graduate students, which she did—accompanied by a gold briefcase.

"I had bought a couple of them at a street market in London," she recalls. "Big, glittery, gold leather briefcases. And at the end of that year, the students in the seminar published the equivalent of an academic slam book—an anonymous thing that satirized the faculty in a very cruel way. It was particularly hard on the women; it was quite vicious. There was this paragraph about me, saying I was a suburban tootsie, a Long Island JAP. It singled out my gold briefcase and said I spent too much time having coffee with men: *Here comes the big-deal feminist with all the hoo-ha, and she has a gold tote bag and coffee with men.*"

Shocked and humiliated, Showalter went home and threw the gold briefcase away.

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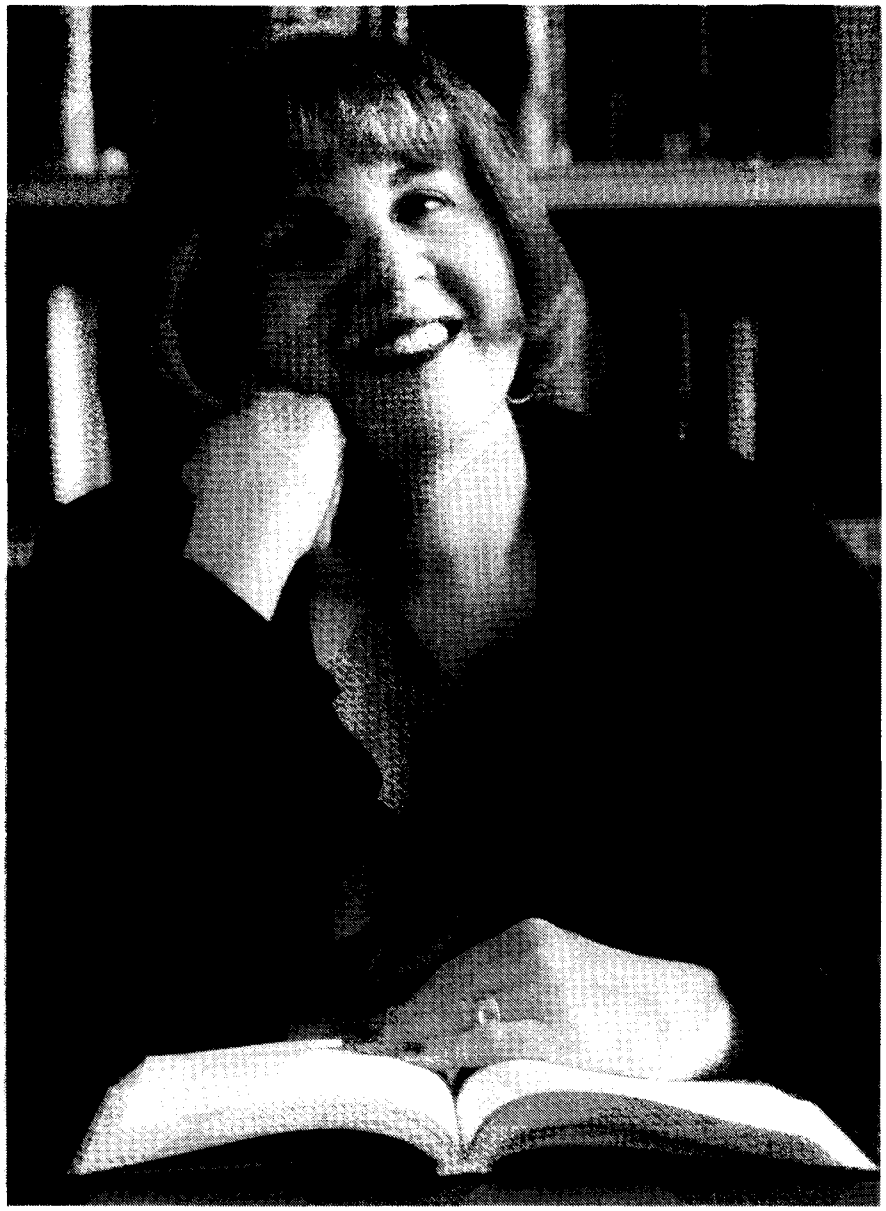

MARTIN METRICK PHOTOGRAPHY

"Years later," she says now, "I got another one. But it's not the same." Showalter is telling this story in the living room of her London flat, a modest two-bedroom in the heart of the city's bustling retail district. It's June and unseasonably hot for London, but Showalter appears not to notice. Listening to her talk, her ample body draped casually across the sofa, her bare feet resting on a cushion, her bright-blue fingernails wrapped around a can of Diet Coke, it is difficult to imagine her succumbing to self-doubt or bowing to the demands of a cabal of anonymous feminists. A warm, brash, effusive woman with an easy laugh, Showalter projects only extraordinary confidence and good humor. More remarkably, she seems to exist at a great remove from the contemplative quiet and humdrum pace of scholarly life.

Although she has been in London on unpaid leave from Princeton since January, officially devoting herself to the MLA and research for her next book, Showalter's daily routine is anything but academic: a whirlwind of television and radio appearances, newspaper deadlines, and phone calls—from her agent, publicist, editors, and producers. My visit falls on one of the few weekends all summer when Showalter doesn't have a speaking engagement out of town. Even so, when I arrive at her flat on Friday morning, she is wrapping up a feature article for the *Guardian* on why stress is passé. Fifteen minutes later, she is accepting an invitation to discuss hooliganism and soccer on a BBC Sunday morning news program. In the days ahead, she will host a BBC discussion of an exhibition at the Tate by the British abstract painter Patrick Heron, comment on a new play by Paula Vogel, and complete a lengthy review of Isaac Bashevis Singer's posthumous novel *Shadows on the Hudson* for the *London Review of Books*.

Testimony to her prolificness, the walls in the kitchen of her flat are decorated with covers of issues of the *Times Literary Supplement* and the *London Review of Books* in which her essays have appeared, flyers for conferences at which she has spoken, and one large poster for a prestigious British fiction contest for which she served as a juror.

"I was once a compulsive reader of academic theory and journals," she tells me. "But it's not part of my routine anymore. Instead, I read three daily newspapers, all the British magazines and many of the American ones, as well as a tremendous amount of contemporary fiction and nonfiction." The reading material in Showalter's living room, which doubles as her home office, supports this claim; there are several glossy hardbacks on the coffee table and stacks of magazines like *In Style*, *Entertainment Weekly*, *Tatler* and *Vogue*.

More appealing even than fashion magazines are fashion outlets. Showalter's idea of a good lunch place is the food court in the mall on Oxford Street: It is air-conditioned and strategically poised at the center of a row of trendy women's boutiques, whose window displays she follows much more closely than the debates in *Victorian Studies*. And as a reward for completing her hectic week of journalistic assignments, she proposes a trip to a discount couture warehouse

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on the other side of town, where, after a couple of hours spent blissfully browsing the racks, she buys a sky-blue caftan for herself and a copper-colored raw-silk cocktail dress on huge markdown for her good friend back at Princeton, the novelist Joyce Carol Oates.

IF the image of Showalter dutifully discarding her gold briefcase seemed incongruous at first, her apparent indifference to academic culture was in some ways just as puzzling. After all, there was plenty of evidence that Showalter cared deeply about academic life, was devoted to her teaching and her graduate students, and, as MLA president, seriously concerned about their diminishing prospects. Then again, this was a woman who had worked her way to the top of a profession that, at least when she had joined it, couldn't have been more indifferent to her fate. Insular, snobbish, and sexist, American academe had hardly extended Showalter a warm welcome, and yet she had succeeded again and again, despite the odds. Would it be surprising if she did not harbor feelings of great warmth and gratitude toward her profession? The story of her complex, often contradictory professional allegiances turns out in some ways to be the story of American literary feminism itself.

In the late 1960s, when Showalter was writing her dissertation on Victorian responses to women's writing, almost no one, including professors on her dissertation committee at UC-Davis, was interested in feminist criticism—let alone in hiring female English professors. When, after following her husband, a professor of French, to New Jersey in 1966, she tried to apply for teaching positions at Princeton and Rutgers, she was curtly informed that neither institution hired women. So Showalter got a part-time job writing test questions for Princeton's Educational Testing Service and slowly completed her thesis while raising a family. Soon she found more interesting work at Douglass College, where she taught a course on the image of the educated woman in English and American literature. The subject was an obvious choice for a scholar who was herself a graduate of a women's college (Bryn Mawr), a politically active feminist, and a student of women's literature. At Douglass and at most other American colleges, however, no one had ever attempted such a course.

Then, abruptly, the academic climate changed, and the advent of feminist criticism began to seem not just inevitable but desirable, an untapped gold mine for literary studies. In 1970, the British scholar Kate Millett published *Sexual Politics,* arguably the world's best-selling Ph.D. thesis, which did much to establish feminism as a viable and important new approach in English departments. Yet although her work addressed power relations between the sexes, Millett focused exclusively on male modernists—D.H. Lawrence, Henry Miller, Norman Mailer, and Jean Genet. For women scholars on the other side of the Atlantic, Showalter prominent among them, Millett's book was just the first step. Showalter argued for the recognition of a separate female literary canon. "Women writers," she wrote in 1971, "have a special history susceptible to analysis, which includes such complex considerations as the economics of their relation to the literary marketplace; the effects of social and political changes in women's status upon individuals; and the implications of stereotypes of the woman writer and restrictions of her artistic autonomy."

Six years later, when Showalter published *A Literature of Their Own,* the field was still wide open. Her book was one of the first to trace the development of a female literary tradition and, along with Ellen Moers's *Literary Women* (1976) and *The Madwoman in the Attic,* figures as a founding document of literary feminism. Retrieving from obscurity dozens of women writers, such as Elizabeth Gaskell (1810–1865) and Olive Schreiner (1855–1920), Showalter proposed a neat historical framework to explain their thematic and stylistic concerns. In her view, women's writing had progressed through a series of stages, from an early Victorian *feminine* phase, much indebted to the dominant male tradition, to a turn-of-the-century *feminist* phase, characterized by rebellion against this tradition and the exploration of alternatives, and, finally, to the current *female* phase, marked by the successful assertion of authentic female experience.

Showalter showed herself to be a bold and original critic. In one particularly polemical chapter, she took feminists to task for embracing Virginia Woolf as a heroine and role model. The androgynous imagery that pervades Woolf's novels and essays, from *Orlando* to *A Room of One's Own,* Showalter argued, should be understood not as the product of an emancipated sensibility, one in which the limitations of female identity had been triumphantly overcome, but, rather, as a doomed, utopian fantasy. Considered against the circumstances of her life—and in particular her suicide at the age of fifty-nine—Woolf's literary feminism rang hollow, and Showalter judged her severely. "Androgyny was the myth that helped her evade confrontation with her own painful femaleness and enabled her to choke and repress

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her anger and ambition," she wrote. "The ultimate room of one's own is the grave."

The book was innovative in other ways as well. There, on page 28, for example, is the analysis of *Jane Eyre* that two years later, in *The Madwoman in the Attic*, would become a feminist commonplace: "The mad wife locked in the attic symbolizes the passionate and sexual side of Jane's personality, an alter ego that her upbringing, her religion, and her society have commanded her to incarcerate."

In this, as in later phases of her career, Showalter's importance had a good deal to do with her having been among the first, a trailblazer whose arrival on virgin soil was a signal to dozens of more cautious, deliberative scholars that it was safe to follow. From *A Literature of Their Own*, she plunged into theory, a domain that American feminists, unlike the French, had strenuously avoided. In a 1979 essay, for example, Showalter enumerated the liberatory aims of "gynocriticism," her alternative to male-dominated literary theory. Indebted to French feminist discussions of *écriture féminine*—writing that in its grammar, logic, and silences was purely female—gynocriticism sought to elucidate elements of an authentic female experience in writing by women, as opposed to the less reliable, often sexist representations of female experience found in male fiction and criticism. As one of the first attempts at feminist theory building in the United States, gynocriticism enjoyed a brief vogue (and then vanished from sight).

In the late 1970s, Showalter turned her feminist gaze on the psychiatric profession. She was once again in uncharted territory. Her book *The Female Malady* (1985) was an unflinching account of British psychiatry's historical mistreatment of women, including its use of such concepts as hysteria to label and even institutionalize women whose only symptom was intellectual or political ambition. The book provided a factual basis for feminist complaints about patriarchal culture's pathologization of women and became an instant classic. Although Foucault's *Madness and Civilization* (1961) had produced a surge of academic interest in insanity during the 1970s, few scholars had attempted a history of modern psychiatry, let alone a history that took gender as its guiding principle. "Elaine's book was pioneering," says Andrew Scull, a sociologist at UC-San Diego who has written extensively on the history of madness. "Nobody had looked at these things through the prism of gender before. She launched a number of people on that trail."

Beginning with the Victorian era, Showalter argued, insanity became a quintessentially female disorder; by the 1850s, women patients far outnumbered men in asylums and clinics—a trend that continued well into this century. What she found was shocking: a British doctor who performed clitoridectomies on five women "whose madness consisted of their wish to take advantage of the new Divorce Act of 1857"; a British home secretary who brought in psychiatrists to treat suffragettes incarcerated at Holloway Gaol; and the medical rationale for why more women than men were given lobotomies in postwar Britain—"the operation is potentially more effective with women because it is easier for them to assume or resume the role of housewife."

TORIL MOI MADE A PASSIONATE CASE FOR WHY ELAINE SHOWALTER WAS DISCIPLINARILY SPEAKING, A DINOSAUR.

Even the French psychiatrist Jean-Martin Charcot, whom Showalter credits with refusing to treat hysteria as a physical illness requiring sexual surgery, turns out, in her account, to be something of a quack: an egomaniac who ran a human freak show from his clinic at Salpêtrière, pressing anxious, impressionable young women—some ill, some not—into service as expert swooners during his standing-room-only public lectures. "Throughout the history of psychiatry, there have been many male liberators—Pinel, Conolly, Charcot, Freud, Laing—who claimed to free madwomen from the chains of their confinement to obtuse and misogynistic medical practice," Showalter declared. "Yet when women are spoken for but do not speak for themselves, such dramas of liberation become only the opening scenes of the next drama of confinement." Still, she was not entirely pessimistic: The best hope for the future, she wrote on the last page of her book, lay in what she referred to vaguely as "the feminist therapy movement."

The Female Malady was Showalter's most ambitious book to date. Yet before she had a chance to savor her achievement, she suffered an unexpected shock. The feminist professor who only recently had been ostracized for her fashion sense suddenly found her scholarship under intense and disparaging scrutiny.

THE source of the attack was an obscure young scholar of French literature named Toril Moi, who in 1985 published *Sexual/Textual Politics* (Routledge), a terse, opinionated survey of the state of feminist literary criticism in France and the United States. The book sold thirty-three thousand copies, became required reading in introductory women's studies courses, and turned Moi into a star lecturer on the theory circuit. It also made a passionate case for why Elaine Showalter was, disciplinarily speaking, a dinosaur.

Beginning with her introduction, in which Showalter's discussion of Woolf in *A Literature of Their Own* becomes an object lesson in the deficiencies of a politically retrograde and theoretically uninformed feminist criticism, Moi treats the Princeton professor to a singularly harsh scolding:

> There is detectable within [Showalter's] literary criticism a strong, unquestioned belief in the values...of traditional bourgeois humanism of a liberal-individualist kind.... Showalter in her own criticism takes no interest in the necessity of combatting capitalism and fascism. Her insistence on the need for political art is limited to the struggle against sexism.... What feminists such as Showalter...fail to grasp is that the traditional humanism they represent is in effect part of patriarchal ideology. At its centre is the seamlessly unified self—either individual or collective—which is commonly called "Man."...
>
> It is surely arguable that if feminist critics cannot produce a positive political and literary assessment of Woolf's writing, then the fault may lie with their own critical and theoretical perspectives rather than Woolf's texts.

Imperious and doctrinaire, Moi's criticisms struck a nerve. From the vantage point of a radical feminist steeped in French

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poststructuralism and psychoanalysis—now considered minimal requirements for membership in women's studies—Showalter's early feminist work looked distinctly old guard. Not only was her worldview disturbingly bourgeois, her scholarship lacked even a token acknowledgment of the intricate, indirect, and wholly vexed relationship between literary creations and lived experience. The problem with Showalter's approach, Moi complained, is that "all art becomes autobiography, a mere window on to the self and the world, with no reality of its own."

Showalter was devastated. "The evolution of feminist studies mattered to me hugely," she says, "and I was very shaken by Toril Moi's book. She makes me the enemy, the straw woman of Anglo-American feminism. One of the phrases that sticks in my mind from that book is 'grim Lukácsian ideologue.' It's been a widely influential book, and a lot of people formed their views of me from it. I felt I had been rendered obsolete in a single stroke."

Moi's assault made waves outside feminist studies, leading extra-disciplinary observers such as Duke English professor Frank Lentricchia to welcome the arrival of "a younger wave of feminists...at the verge of open revolt against their mothers." In retrospect, Moi's book was proof that feminist studies was a vigorous and growing discipline, already old enough to have produced generational debates and divides.

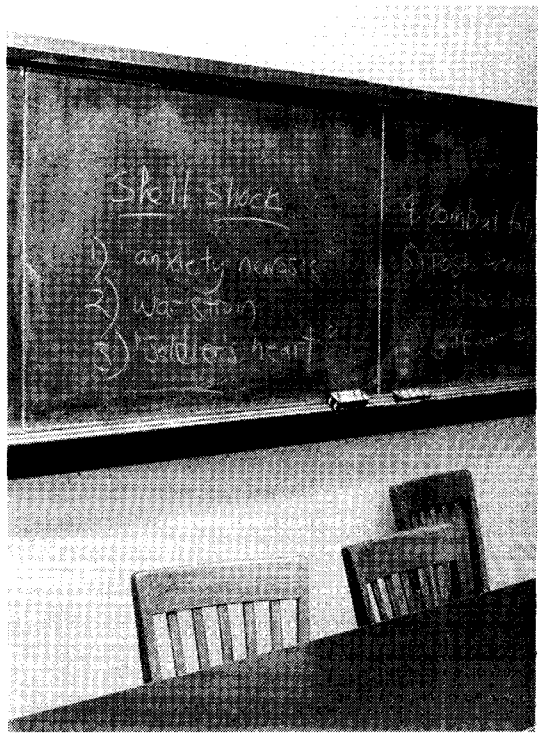
As she had with the criticisms of Princeton feminists the year before, Showalter took Moi's judgments to heart. She spent the next several years trying to compensate for her deficiencies as a feminist. She joined the swelling ranks of feminists studying the trendy new concept of gender (which, unlike the old term "sex," encompassed cultural beliefs about femininity as well as biology), edited two volumes of feminist literary criticism, served on the editorial board of *Genders,* an influential but short-lived interdisciplinary journal, and earned an endowed chair. She also threw herself into professional service, completing a rocky four-year term as the Princeton English department's first (and, to date, only) woman chair and taking on increasingly high-profile responsibilities at the MLA. It was not a happy period. "I tried to be everything to everyone," she says. "I felt very self-conscious and under pressure. I tried to make myself in other people's eyes. I worried about theory. I worried about postcolonialism. I felt I needed to get with it."

IN THE end, being a pioneering scholar was both a virtue and a liability. Being first put Showalter repeatedly in the limelight, but it also put her under tremendous pressure from the growing community of scholars working in her wake. It was one thing to be a trailblazing feminist at Douglass College at a time when women's studies was considered an intellectual backwater. It was quite another to be an Ivy League scholar with an endowed chair and a national reputation. As Showalter discovered, the price of recognition was constant critical scrutiny of her work—and person!—by dozens of younger scholars, and she felt accountable to their judgment. Over the years, that judgment—alternately admiring and harsh—has tended to focus on what might be Showalter's most distinctive trait as a scholar: her preference for bold, sweeping claims over subtle analysis.

Reviewing *The Female Malady* in *The New Republic,* Patricia Meyer Spacks, a sympathetic colleague at Yale, found Showalter's "singleness of thesis" both formidable and troubling. "She writes with the authority of both conviction and knowledge," Spacks noted approvingly, "the same message about the endless, protean, inescapable social oppression of women, repeatedly and ingeniously hammered home." At the same time, Spacks complained, "the monolithic thesis of persecution does not adequately account for the data.... The etiologies of madness that Showalter provides are simplistic in the extreme.... Women go mad, this writer believes, because society leaves them so little room. But surely one must acknowledge other—*many* other—possibilities."

According to Michael Neve, a historian of medicine at London's Wellcome Institute, Showalter is a quintessential "big picture" theorist—strong on an overarching idea, weak on nuance and ambiguity. "She's very much to be admired because she's the first one off the block," he says. "She bursts into a field and does the large, general noisemaking. The big picture she produces is cool. We like it. But the small picture has issues in it that she doesn't address and that contradict her big picture." By way of example, Neve points to recent research by Andrew Scull that suggests Showalter's claims about the disproportionate number of female patients in Victorian asylums may not be accurate. "Statistically, it isn't the case that more women go into institutions in the municipal or state system. It's far more of a close call than you'd imagine if you bought the big theory in *The Female Malady.*"

ONCE stung by such criticisms, today Showalter appears not to care. "I don't pay any attention to academic fashion at all," she says breezily. "I have no interest in it. I don't care what the latest development is in feminist theory or gender theory. It's completely irrelevant to me. I feel like these are *my* books. They're going to be about what *I'm* interested in." But there is defiance in her nonchalance. And it's this defiance that animates *Hystories,* her most recent book.



JASON SCHMIDT

With *Hystories,* Showalter moved even further toward the bold, sweeping claims that had infuriated her critics. This time she turned her big-picture approach not to the abstract themes of history but to anguished, living populations. Most provocatively, these were people who, in their own eyes and in the eyes of most doctors, had very little in common—

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from chronic fatigue syndrome sufferers to putative alien abductees. Defying the official opinion of the American medical establishment, Showalter decreed that individuals whose physical complaints doctors were in the process of investigating were certified hysterics, throwing sick Gulf War veterans into the same diagnostic category as people with multiple personalities.

But perhaps most surprising of all, the

IN HER LATEST BOOK, SHOWALTER APPEARS TO BE SAYING THAT HYSTERIA WASN'T A MISOGYNIST FICTION AFTER ALL.

thesis of *Hystories* seemed in many ways to contradict the argument of *The Female Malady*. A decade after publishing what many regard as the first major work of feminist medical history, Showalter now appeared to be saying that hysteria wasn't a political fiction after all. The malady dreamed up by a bunch of nineteenth-century shrinks to keep women from acquiring too much social influence became in *Hystories* achingly real. Hysterics were everywhere. And, what was most surprising, feminists had inadvertently contributed to their swelling ranks.

Only three factors, Showalter argued, were required to launch a hysterical epidemic: a group of vulnerable patients, a receptive media, and a charismatic authority figure who develops and promotes a unified field theory about their affliction. In recent years, she suggested, the charismatic authority figure has increasingly been female. By embracing hysteria as "a rallying cry for feminism itself," "the sign of women's protest against patriarchy," some women were guilty of romanticizing mental illness. Similarly, by promoting multiple personality disorder, recovered memory, and satanic ritual abuse as plausible explanations for (typically female) patient distress, feminists in the psychological community were responsible for introducing and spreading new hysterical disorders among women. "Feminism has a strong enlightenment, rationalist tradition of debate and skepticism, whose memory I attempt to recover and reassert," she wrote sternly.

Some close readers of Showalter's work were taken aback. "In *The Female Malady*, she was saying that hysteria's a prison, a category that annihilates the adventurous, the non-familiar, the antibourgeois," says Michael Neve. "But in *Hystories*, she sounds like a psychiatrist—like Charcot." To Neve, the idea of a literary historian assuming the mantle of medical authority is downright reckless: "This woman has global reach. She's the Bill Gates of the diagnostic category, applying it transnationally, transculturally, even globally!"

Suddenly, it's hard not to see Showalter as a charismatic, latter-day Freud or the high drama inspired by her book-tour appearances as classic Charcotian theater. Besieged on talk radio, cable TV, the Internet, and in bookstores for breaking faith with medical science ("Brain scans show in many chronic fatigue patients diminished blood flow to frontal and other areas of the human brain") and feminism ("How can you call yourself a feminist when you discredit women who have recovered memories of sexual abuse?"; "I hate you, you fucking anti-feminist bitch"), Showalter responded with patience, good humor, and affectionate condescension. The more unruffled her calm, the more unhinged her opponents appeared.

In the spring of 1997, *The Chronicle of Higher Education* took note of one of Showalter's most ardent critics, a historian at Villanova University named Mary Schweitzer, described as a virtually bedridden chronic fatigue sufferer on her third year of disability leave. In response, Showalter sent the *Chronicle*'s reporter a clipping from a recent issue of a chronic fatigue sufferers' periodical depicting a vigorous-looking Schweitzer, fist raised, leading a demonstration in San Francisco. More recently, in an essay for the *London Review of Books,* Showalter turned an account of her book tour into a stand-up comedy routine—in which all the jokes were at the expense of the kooks who turned out to debate her:

> In New York, I appeared on *Rolonda*, a morning show.... We began with me on stage with the alien therapist, a stunning brunette in a purple mini-skirt, who gave me sisterly tips on eye make-up off the air.... Posey, one of the alien abductees, was a 400-pound black man who claimed to have been floated out of his apartment window in the Bronx by ETs. 'I didn't know there were aliens in the hood!' Rolonda exclaimed. Bob, the Texas evangelist, got rounds of applause when he called me a 'godless feminist', but after the show he invited me for a drink and thought we made a terrific team. My hands-down favourites were pretty blonde Deborah of the multiple-personalities, decked out like Heidi in a girlish dirndl, and her therapist Dr. Jim, a nerdy guy who hovered protectively over her.

Showalter calls *Hystories* "a declaration of independence," a description that in many ways may turn out to be the most meaningful. Among other things, declaring independence meant risking self-contradiction: The endorsement of feminist therapy at the end of *The Female Malady* was, Showalter says now, "a utopian gesture"; the feminization of the psychology profession had numerous, unfortunate effects she had not anticipated. Skeptical observers might see in her willingness to change course only crass self-interest—why else write a sensational, dubiously scientific book about

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BESIEGED ON TALK RADIO, CABLE TV, AND THE INTERNET, SHOWALTER RESPONDED WITH PATIENCE, GOOD HUMOR, AND AFFECTIONATE CONDESCENSION.

hot-button issues? But more sympathetic colleagues suggest another, less intuitive explanation. "In Elaine's case, it's not that you couldn't construct a cynical interpretation," says Andrew Scull. "But careerism is not enough. Many people followed *The Female Malady*. She could have moved comfortably into feminist circles, echoed the party line, and been embraced by those circles. But she didn't. Instead, just as she risked making the psychiatrists angry with *The Female Malady*, she risked making the feminists angry with *Hystories*."

Declaring independence, then, also meant daring to offend. In her chapter on recovered memory, Showalter recounts the outraged reaction to a talk she gave on the subject for an academic audience at the Dartmouth School of Criticism and Theory in the summer of 1994. Deeply disturbed by her remarks, a group of women students convened a special workshop with Showalter: "They asked me how, as a feminist, I could wash our dirty linen, so to speak, in front of men, including Dartmouth undergraduates who might use my words against any women complaining of any kind of abuse? How could I live with myself, knowing I was making it harder for women to be believed? How did I dare challenge the authority of therapists and psychologists? A few of the women asked me to take the chapter out of my book. They looked stunned when I said that, on the contrary, I planned to expand it."

Hearing this story, it is hard not to think of Showalter's gold briefcase or her reaction to Toril Moi's withering assessment, the many unhappy years during which she tried to redeem herself in the eyes of her discipline. Whatever the merits of its analyses of disturbing cultural phenomena or its potential contribution to the understanding of mental illness, in *Hystories* Showalter had expressed beliefs she knew would be controversial and sticking by them. "I had resolved the issue of whether I would say what I thought," she says. "I really don't care about offending. I'm having my shot at being the authority figure. I don't see why I shouldn't." Why not, indeed? Was it any accident that *Hystories* appeared as Showalter was preparing to become president of the MLA, or that she describes her present mood as one marked by "a feeling of incredible liberation"? With *Hystories*, Showalter was no longer striving for power or approval from her profession. She had both. And now she no longer needed either. Like modern women's writing in *A Literature of Their Own*, Showalter had moved through a *feminine* and *feminist* phase to emerge, glowing and triumphant, as a fully realized *female*.

"I've got tenure," she told me. "I've published enough books. I've done my service. I don't have any academic ambition. I don't want to go to Yale, Harvard, Berkeley, or Oxford. What I want to do is be in London, do a lot more journalism. I have a lot of things I want to say."

REMARKS like these don't go over well with the MLA's Graduate Student Caucus. To prospectless and underemployed Ph.D.s, the tale of a tenured professor and MLA president's pursuit of happiness outside the ivory tower cannot but leave a bitter taste. Intellectual and material fulfillment are luxuries they suspect they are unlikely to enjoy, and many take offense at Showalter's efforts to offer her own career path—in particular, her satisfying extra-academic pursuits—as a model for theirs. "Many of these people who run the MLA have lived sheltered, elitist existences," says Mark Kelley, the current caucus president. "Elaine's idea is that we should practice our phone skills. We are Ph.D. candidates who have dedicated years of our lives to serious study. It's an abdication of responsibility and willful ignorance."

For anxious graduate students without steady jobs, viable wages, or regular benefits, the MLA president's private life—as a successful journalist with an agent, a publicist, a rental flat in London, and pocket change to blow on a dress at the mall—is as fraught with political meaning as her public pronouncements. "Elaine is making more money at *Vogue* than at Princeton," says Cary Nelson, a (tenured) English professor at the University of Illinois at Urbana-Champaign and a longtime activist on behalf of graduate student interests. "When she brings a Hollywood scriptwriter to dangle in front of graduate students at the MLA, they have every right not to feel this is manna from heaven. Offering them an alternative career is a slap in the face."

Hearing these complaints, Showalter shakes her head sadly. "I understand how they see it, but I think they're quite mistaken," she says. "The job crisis is not something that the MLA can change by decree or that departments and universities can change on their own. The Ph.D. has become a much narrower degree than it used to be or has to be. I think graduate education is a good thing—it's a good thing to spend a couple of years reading literature after college. It's a good thing for any career. I'm saying, let's bring people in and make it as valuable for them as we possibly can. But let's broaden their horizons instead of narrowing them. Let's give them the tools to be successful in a number of different professions."

It would be nice to argue that Showalter's plan for saving graduate education is based on a clear-eyed understanding of the American economy and the university's place within it, one informed by decades of tracking the ebb and flow of jobs and students under her watch. And perhaps it is. Yet coming from a woman whose extra-academic pursuits have proved so satisfying, it seems just as likely that some other impulse is at work here. By advising students to regard the university as preparation for life outside its walls, Showalter may be guilty of a grandiose if benevolent projection.

Emily Eakin is a senior editor of *Lingua Franca*. Her article "Liberté, Egalité, Parité" appeared in the April issue of *LF*.

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THE FEDERALIST CAPERS

INSIDE KEN STARR'S INTELLECTUAL AUXILIARY

BY **JONATHAN MAHLER**

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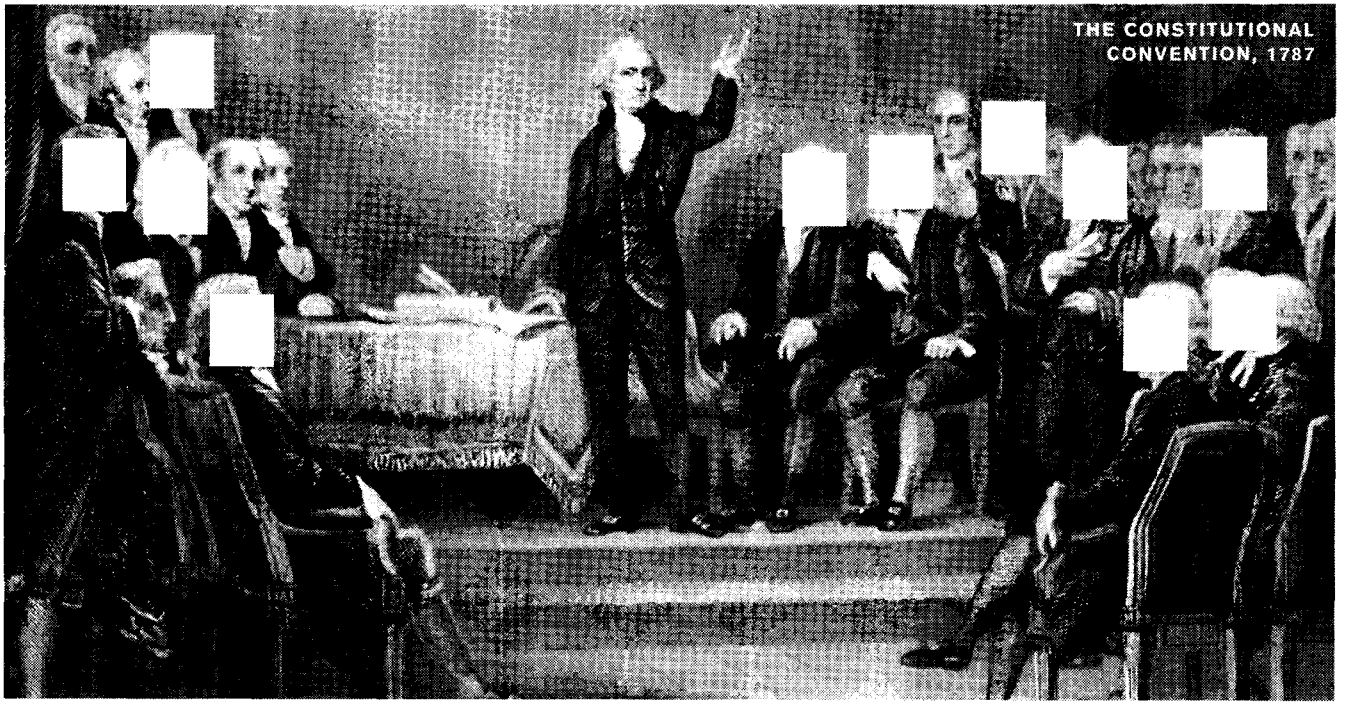
WHEN HILLARY CLINTON DECLARED that her husband was the target of a "vast right-wing conspiracy," she couldn't possibly have been referring to a conservative legal organization known as the Federalist Society. Or could she? Consider:

- Independent counsel Kenneth W. Starr is a founding member of the Federalist Society and belongs to the group's elite James Madison Club for Major Donors.
- One of the Scaife family foundations—yes, the same Scaife family that helped break the Troopergate story and has since pursued President Clinton with near-missionary zeal—gave the Federalist Society more than $100,000 in fiscal year 1996.



THE CONSTITUTIONAL CONVENTION, 1787

ARCHIVE PHOTOS

- Linda Tripp's former lawyer, James Moody, is a member of the Federalist Society.
- Paula Jones's lawyer, George Conway III, is a member of the Federalist Society.
- Max Boot, the editorial and features editor of *The Wall Street Journal,* which has effectively called for the impeachment of President Clinton, moderated a panel at the Federalist Society's most recent annual symposium.

There is, however, one minor complication: Most members of the Federalist Society consider the office of the independent counsel unconstitutional. In fact, one of the most revered icons of the Federalist Society, Justice Antonin Scalia, was the lone voice of dissent in *Morrison v. Olson,* the 1988 Supreme Court decision that upheld the legality of the independent counsel. And this past March, when even the most insignificant development in Starr's inquiry was front-page news, another one of the group's favorite figures, Frank Easterbrook, a Seventh Circuit judge appointed by President Reagan, seized the opportunity to reaffirm this anti-counsel position.

The setting for Easterbrook's remarks was, appropriately enough, the opening panel at the Federalist Society's annual student gathering, held this year at New York University. Student members had begun filing into NYU's Vanderbilt Hall earlier that afternoon, and in their gray business suits and simple dresses, they stood out against the law school's more casually dressed student body. By evening, some 350 Federalists were crowded into Tishman Auditorium to hear the bearded, burly judge hold forth on the Constitution. There Easterbrook remarked that whenever his young clerks argue that only an independent prosecutor is able to probe the executive branch, he is reminded of his former boss and mentor, Judge Robert Bork, co-chairman of the Federalist Society's board of trustees.

Easterbrook then stuffed his hands in his pockets, shook his head and—in his best impersonation of the crusty former solicitor general—admonished: "That's not what the Constitution says."

The crowd roared with delight. And why not? Not only had they successfully infiltrated one of the country's most notoriously liberal law schools, NYU, but this was, after all, the beginning of a weekend-long conference on the original meaning of the Constitution, an opportunity to network with the nation's most influential conservative and libertarian legal thinkers, and a chance to put away a few beers with fellow conservatives from more than twenty-five different law schools.

SINCE its inception in the early 1980s, the Federalist Society has been a place of refuge for conservative students who feel out of place in the generally liberal ambience of the legal academy. But if the group's political bent has kept it on the fringes of most law schools, its place in the annals of legal scholarship is secure. Once dismissed as anachronistic, even regressive, the society's founding principles of judicial restraint and an unbending fidelity to the intentions of the framers of the Constitution now undergird an increasing number of judicial opinions and law review articles—with sometimes surprising results.

Over the past decade, the Federalist Society has operated as a sort of intellec-

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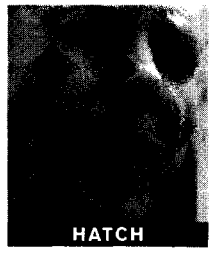
tual hothouse for a group of scholars and judges who have managed to alter dramatically the terms of constitutional debate. The specific language of the Constitution and the historical context in which it was written, down to even the most arcane details of eighteenth-century history, are now central concerns for conservative and liberal legal thinkers alike.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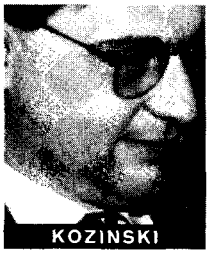
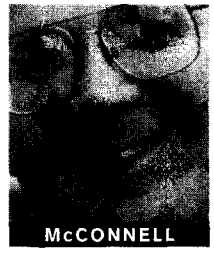

KOZINSKI

EPSTEIN

No less important to Federalist Society members than the "jurisprudence of original intent"—the practice of trying to discern what the framers of the Constitution meant when they wrote this or that clause—is "judicial restraint," the notion that judges must respect the distinction that the Constitution draws between the legislative and judicial branches of government and therefore must refrain from policy making and limit themselves to applying principles anchored in the Constitution. This is the only way, the theory goes, to resolve the paradox of judicial supremacy in a democratic society.

The Federalist Society now has some five thousand student members at 145 law schools. Some 150 academics act as on-campus advisers. (The society is currently forming a new division for professors.) The organization's hallmark remains its lecture series, which brings debates between conservative and liberal legal scholars to law school campuses across the country. But with the help of conservative foundations, it also maintains an office in Washington with an executive director and a staff of full-time administrators, as well as separate chapters for more than fifteen thousand practicing lawyers. In addition to invitations to various events, members receive a quarterly newsletter, *The Federalist Paper; ABA Watch,* which keeps tabs on the predominantly liberal American Bar Association; and *The Harvard Journal of Law and Public Policy,* a conservative law review that reprints the transcripts of the group's annual conferences.

For all its influence, the Society is far from united in its goals. As recent Supreme Court decisions indicate, the conservative legal movement is frequently divided, and the different strains of conservatism represented within the Federalist Society—libertarianism, social conservatism, eighteenth-century antiquarianism—coexist rather uneasily. "The Federalist Society is not organized around a single, tidy issue like abortion, nor is it a group that is organized around a mass movement like feminism," says Eugene Volokh, a long-time member and a professor of law at the University of California at Los Angeles. Indeed, behind the organization's seemingly unified front lurk divisions that run every bit as deep as those that separate conservatives and liberals. The lofty principles of original intent and judicial restraint hold much appeal.


McCONNELL

But they are not always in alignment with one another. Nor do they necessarily mesh with the political goals of contemporary conservatives.

STEVEN Calabresi, a founding member of the Federalist Society and a professor of law at Northwestern University, was in his first year at Yale Law School when Ronald Reagan was elected president. It should have been a banner day for the young law student. After all, he had volunteered for the Gipper in the GOP's New Hampshire primary and had served as a delegate to the Republican convention before heading off to New Haven. But on the morning after the election, one of his professors (whom he still prefers not to name) rained on his parade. Visibly distraught at the prospect of a Republican president, the professor told his students he simply didn't understand it; no one he knew had voted for him. Then he asked the class if anyone had voted for Reagan. Only two students, Calabresi included, raised their hands. "There was just a lot happening in the world that people in New Haven were not aware of," says Calabresi.

At the time, Calabresi now recalls, the faculty at Yale Law was homogenous "in an establishment liberal sort of way." A number of the school's professors in the early 1980s had been clerks on the Supreme Court when Chief Justice Earl Warren, the quintessential legal liberal, and his successor, Justice Warren Burger, presided. Ironically, Reagan's appointment of many conservatives to positions on the bench would only further deplete the number of right-of-center faculty members. (Liberal law professors used to joke that Reagan had done more than anyone to improve the state of legal education.) By the start of Calabresi's second year, the only two conservative professors at Yale, Ralph Winter and Robert Bork, had both announced that they were leaving the faculty.

In the face of such discouraging prospects, Calabresi and several fellow law students at Yale and the University of Chicago decided to organize a national symposium in New Haven on conservative legal thinking. Winter, for whom Calabresi would later clerk, suggested the conservative Institute for Educational Affairs as a funder; the Washington group agreed to provide most of the $25,000 needed for the event. Calabresi and his young colleagues took out an ad in the *National Review* and contacted the conservative student organizations at Harvard and Stanford. At Harvard, they got in touch with the staff of the *Journal of Law and Public Policy,* a conservative publication founded by Spencer Abraham (now a Republican senator from Michigan), who was a law student at Harvard at the time. The Harvard journal, which had been denied funding from the university because it was deemed "too political," would soon become an official publication of the Federalist Society.

The spring 1982 conference was a big hit; more than two hundred students and scholars came to hear such worthies as Winter, Scalia, Richard Posner, and Richard Epstein pontificate on the virtues of states' rights and the vices of the Warren Court. Thus was born the Federalist Society. The group took its name from *The Federalist Papers,* the famed collection of writings on the structure of government by three of the architects of the Constitution, James Madison, Alexander Hamilton, and John Jay. It adopted as its logo a silhouette of Madison. The

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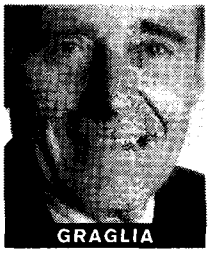
name was, of course, intended to link the organization to the intellectual contributions of the framers. But the founders of the Federalist Society also had something a little more complicated in mind. The original Federalists had argued strongly in favor of shifting power away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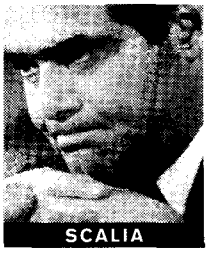

SCALIA

from the states and toward the newly created national government. But over the course of time, and especially after Franklin Roosevelt's New Deal, the balance of power came to shift further and further toward the national government—perhaps much further than the Federalists would ever have tolerated. This created a political opportunity for proponents of states' rights, who in the 1970s took to calling themselves Federalists, the very term that had once described advocates of a strong central government.

The group set up its first four chapters at Yale, Chicago, Harvard, and Stanford. At the University of Chicago, it received considerable support from Scalia, who was still a professor there, and a pair of colorful libertarians, Epstein and Posner. At the time, Epstein and Posner were in the midst of creating the Law and Economics movement, which began with Posner's unsentimental view that "people involved in the legal system act as rational maximizers of their satisfactions."

With Reagan in the White House, the Federalist Society soon emerged at the center of the Republican effort to restrict the power of the bench and restore power to the states—all in the name of what former attorney general Edwin Meese termed "the preservation of constitutional values." Unlike the liberal-leaning American Bar Association, the society never adopts official positions on political issues. But that did not stop its members from becoming the judicial brain trust of the Reagan revolution.

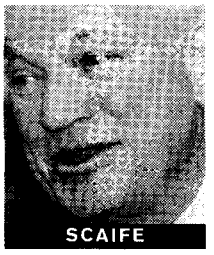
How significant was the Federalist Society's role at the time? In *Closed Chambers,* a recent tell-all book about the Supreme Court, author Edward Lazarus effectively places the society at the center of a right-wing conspiracy that long predated Ken Starr—this one aimed at hijacking the judiciary. Lazarus, who

STARR

clerked for Justice Harry Blackmun in the late 1980s, calls membership in the organization "a prerequisite" for law students seeking clerkships with Reagan judicial appointees; in the late 1980s, Lazarus writes, belonging to the Federalist Society was "an identifying mark for Young Turks committed to a Reaganite judicial revolution." Moreover, Lazarus bitterly recalls, these young clerks were seething with resentment and eager to settle old scores after so many years of being in the vocal minority: "They were brash, snide, dismissive, and very much feeling their oats knowing that at the Court (unlike in law school), although outnumbered, they were ascendant.... Put another way, the conservatives came to the Court with a desire for revenge, and they found a ready environment to pursue their goal."

But the Federalist Society's gatherings had another, less Robespierrean side: They were also social events. "I used the Federalist Society as a dating service," jokes Paul Cassell, a professor of law at the University of Utah, who met his wife at one of the group's regular luncheons at a Chinese restaurant in Washington, D.C., in the 1980s. The events were hosted by Steven Markman, a member of the Reagan Justice Department who has since been appointed to the Michigan Court of Appeals. Before each meal, Markman would have the group in stitches with his jabs at the Supreme Court's latest opinion. At the end, he would present the guest speaker with a bound volume of *The Federalist Papers.*

IN THE Clinton years, the Federalist Society has managed to retain some of its political muscle, particularly via its *ABA Watch* newsletter. The hard-hitting publication has apparently made an impact. Last year, Federalist Society trustee Orrin Hatch decided to strip the ABA of its advisory role in the Senate Judiciary Committee's confirmation process. He first announced the move—where else?—at a Federalist Society event in his home state of Utah.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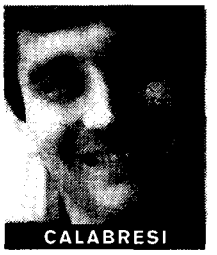
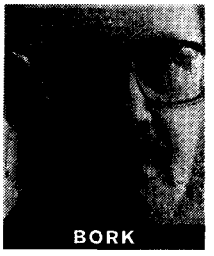

CALABRESI

But the entire country has shifted rightward, and the ideas that the Federalist Society promotes, while still controversial, no longer sound so far-fetched. Meanwhile, though conservatives are still a minority on campuses, they are more conspicuous than ever. This has become evident in legal journals, but it is

MEESE


BORK

apparent in other ways, too. The night before last spring's Federalist Society symposium at NYU, the school held its annual fund-raising auction for law students who want to work in "public interest" jobs. As part of the fund-raiser's tradition, the school's dean, John Sexton, auctions off a cream pie to be thrown in his face. This year, however, there was a more attractive target for the school's predominantly liberal student body: Alex Kozinski, the flamboyantly conservative judge from California, was in town for the Federalist Society meeting. When his turn came, Kozinski began baiting the crowd to drive up the bidding. He eventually ticked off a David Letterman–style list of reasons to buy *his* pie; among the highlights were "appointed to the Ninth Circuit by Ronald Reagan," and "believes in the Second Amendment" (the right to bear arms). The pie went for $1,000. But perhaps

FROM LEFT: MARSHA MILLER/UNIVERSITY OF TEXAS; UPI/CORBIS-BETTMANN; REUTERS/JEFF MITCHELL/ARCHIVE PHOTOS; AP/WIDE WORLD PHOTOS; JIM ZIV/NORTHWESTERN UNIVERSITY; YALE UNIVERSITY

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the students got the last laugh. Not only was Kozinski creamed, to the delight of the crowd, but he had just helped subsidize organizations like Legal Aid and the American Civil Liberties Union.

THE conservative-liberal divide in legal theory reflects a fundamental disagreement over how faithful judges must be to the written word of the Constitution. The postwar liberal view is anchored in the belief in a "living Constitution," the notion that even if certain rights are not explicitly enshrined in a particular clause of the document, the courts may deem them "fundamental." In *Griswold* v. *Connecticut* in 1965, for instance, the Court overturned a state law banning the use of contraceptives by declaring that marital privacy was a constitutionally protected right, not because it was enumerated in the Constitution but because of "penumbras" that "emanated" from the Bill of Rights. Legal conservatives generally oppose such efforts to adapt the Constitution to new circumstances—and they add that public policy should be made strictly by the people and not by judges.

But it has always been easier to state such principles than to apply them. "We were more united in our critique of the Warren Court jurisprudence than we were in our views of how to replace it," remarks Calabresi of the society's early days. That diversity of view is still in evidence today.

Consider the ongoing feud between Robert Bork, the quintessential social conservative, and Richard Epstein, the doyen of the University of Chicago's Law and Economics movement. Both are Federalist Society icons and leading lights in the conservative legal movement, but their similarities end there. Indeed, although both men base their theories of judicial interpretation on the text and context of the Constitution, Bork hews to a much harder line on original-intent jurisprudence; Epstein, for his part, eschews this sort of absolutism. Not surprisingly, the two come to dramatically different conclusions: Bork winds up privileging the maintenance of order over liberty, while Epstein emphasizes the protection of individual freedoms and property rights. While both men agree that the Constitution has been seriously

JIM ZIV/NORTHWESTERN UNIVERSITY SCHOOL OF LAW

misread by liberal judges and scholars alike, Bork argues that it has been used to impart *too much* freedom to American citizens, where Epstein contends that it has been interpreted to provide *too little*.

Long before Bork's ill-fated nomination to the Supreme Court, he was a professor of law at Yale and one of the most articulate spokesmen for the return to original-intent jurisprudence. His 1971 article in the *Indiana Law Journal*, "Neutral Principles and Some First Amendment Problems," was the first true shot across the bow of the Warren Court, not least because it was presented in a detached, scholarly tone that is now largely absent from Bork's writings.

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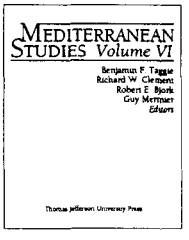

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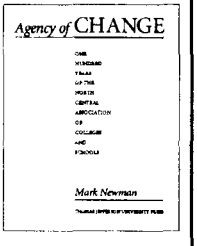

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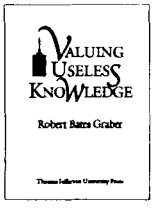

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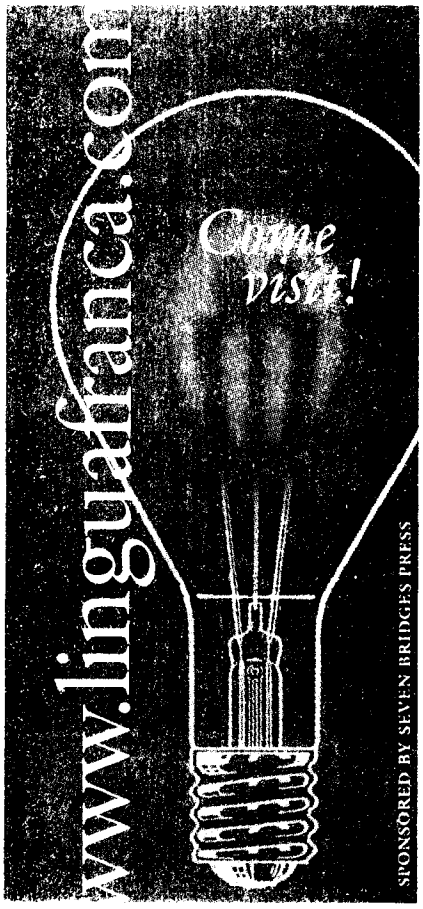
BY THE START OF CALABRESI'S SECOND YEAR, THE ONLY TWO CONSERVATIVES ON THE YALE LAW SCHOOL FACULTY HAD ANNOUNCED THEY WERE LEAVING.

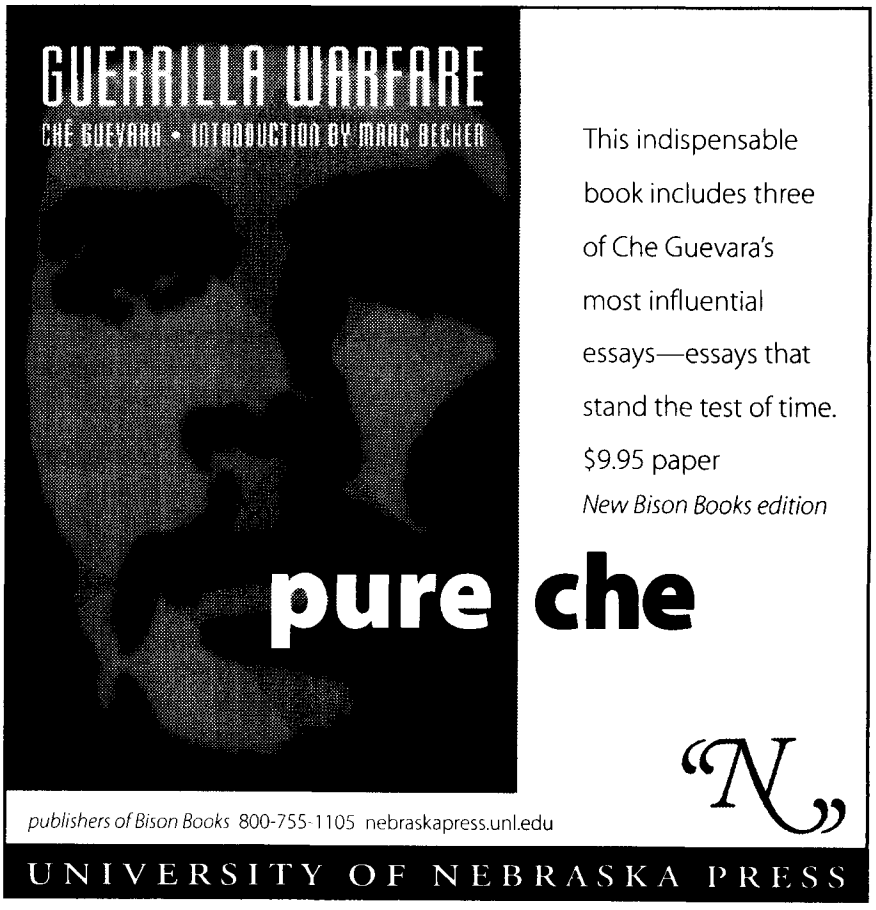
"Neutral Principles" was, in part, an attempt to apply original-intent jurisprudence to the First Amendment. "The men who wrote the First Amendment" were only interested in protecting "political" speech. His conclusion: "There is no basis for judicial intervention to protect any other form of expression, be it scientific, literary, or that variety of expression we call obscene or pornographic." Moreover, Bork contended that even within the realm of speech that we call "political," there should be "no constitutional obstruction to laws making criminal any speech that advocates forcible overthrow of the government or the violation of any law." In Bork's restrictive view of the First Amendment, the framers had left the government free to censor any speech that was not explicitly political and any explicitly political speech that threatened the government. It was an argument that would reappear later, albeit in far more politically charged prose, in the chapter titled "The Case for Censorship," in Bork's 1996 book, *Slouching Towards Gomorrah.*

After years of espousing originalism at Yale, Bork left New Haven for a Washington, D.C. law firm in 1981 and was elevated to the Court of Appeals for the District of Columbia Circuit the following year. His Supreme Court nomination in 1987 became an all-out war between liberals and conservatives. But the pre-1987 Bork was no simple right-wing ideologue: He was a proponent of judicial restraint first and a social conservative second. In the late 1970s, he even went so far as to testify against an effort to overturn *Roe* v. *Wade* via a statute saying that life begins at conception. While he was sympathetic to the antiabortion cause, he simply couldn't abide such an effort to bypass judicial precedents: "I don't think *Roe* was the right decision, but it is, for all intents and purposes, constitutional law now and you can't change it by statute."

It's difficult to imagine Bork taking this sort of stand today. Two years ago, the retired judge participated in a symposium in the conservative journal *First Things* that labeled the federal government "morally illegitimate" and called for acts of civil disobedience in defiance of "unconstitutional" laws that are too permissive of abortion and gay rights. And in *Slouching Towards Gomorrah,* he was more concerned with shoring up the right in the culture wars than with the role of the judiciary. Casting legal matters to the side, Bork thundered against "the torching of America's intellectual and moral capital by the barbarians of modern liberalism."

This apparent shift in priorities has not played well within the libertarian wing of the Federalist Society. Epstein, who

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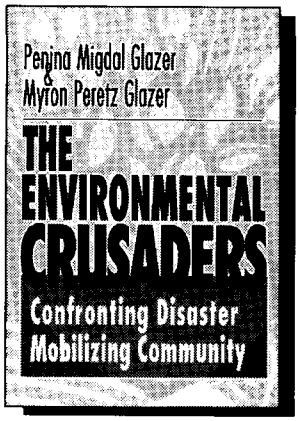

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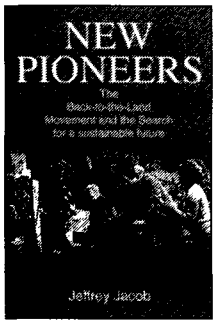

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"SHOULD THE NEW DEAL BE UNDONE?" EPSTEIN ASKED RHETORICALLY. "TO END THE SUSPENSE: OF COURSE. AND THE QUICKER THE BETTER."

defended Bork during the darkest hours of his confirmation hearings, blasted *Slouching* in *The New York Times Book Review.* "*Slouching Towards Gomorrah* is not a good book," he says today. "It's an angry book, and it's a foolish book."

EPSTEIN'S own foray into original-intent jurisprudence has led him in a very different direction, one that has proved equally controversial and even repulsive to some conservative legal thinkers. His breakthrough book, *Takings: Private Property and the Power of Eminent Domain,* was published in 1985, though portions of it were first presented at the original Federalist Society symposium in New Haven. Epstein's book is constructed around a broad interpretation of the so-called takings clause, the section of the Fifth Amendment that prohibits government from taking "private property for public use, without just compensation."

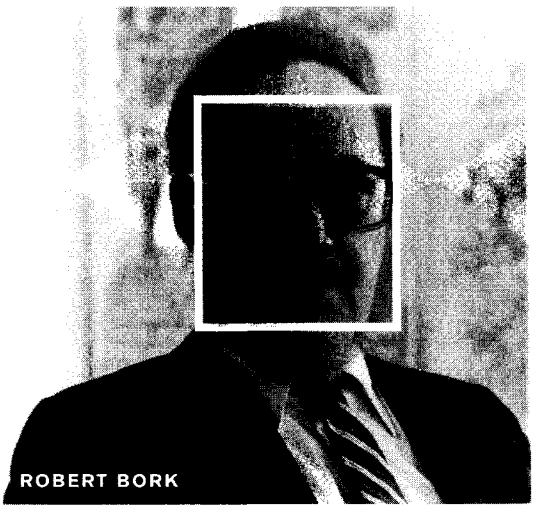
Before Epstein, the clause had always been interpreted literally; that is, when the government wanted to take property away from an individual, the government had to pay for it. But in *Takings,* Epstein offered a much more expansive interpretation of the clause and of property rights in general.

He sums up the conclusions with characteristic bluntness: "What's a taking? In my view, everything." Indeed, he believes that a vast number of government activities—zoning regulations, rent control laws, progressive taxation, unemployment compensation—constitute takings and should therefore be prohibited or compensated. Says Epstein, "If you don't compensate people, democracies will be irresponsible." He even goes so far as to apply his view on takings to First Amendment cases: If the government places restrictions on a carrier, say, prohibiting a cable TV provider from offering pornography, that, too, should be considered a taking. "There's always, at some level, some kind of a big takings issue."

Did the founders really have this in mind? If there is a limited number of actual references to private-property rights in the Constitution itself, Epstein says, one need only consult the individual state constitutions—or the writings of the most frequently quoted thinker of that era, John Locke—to grasp just how important property rights were in the late-eighteenth century. "The end of government was to protect private property," says Epstein. "We have taxes to protect private property, not the other way around."

It's an audacious theory, and Epstein expounds it eloquently and with considerable panache. So it's no surprise that he is the most requested speaker for Federalist Society events. His panel "Should the New Deal Be Undone?" drew the biggest crowd at the recent symposium at NYU. And Epstein didn't disappoint. Moments after he began speaking, his notes fell to the floor, but he was unfazed. "Should the New Deal be undone?" Epstein asked rhetorically. "To end the suspense: Of course. And the quicker the better."

This is, of course, heresy to liberals, most of whom still hold out the New Deal as a monument to American progressivism. But to Epstein, Roosevelt's most enduring contribution to American life "makes a mockery of the idea of enumerated powers in the federal government." The conclusions that Epstein draws in *Takings* are undeniably extreme, and when the book


ROBERT BORK

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RICHARD EPSTEIN

YALE UNIVERSITY (LEFT), NEW YORK UNIVERSITY (ABOVE)

was first published, the author was treated accordingly. "I came up with the obvious conclusion that the New Deal is unconstitutional, and that conclusion put me in the padded-cell category," he remarks. "Lock him up and throw away the key."

Ardent New Dealers weren't the only ones to object to Epstein's draconian theories. Conservatives like Bork object to them as well—and, ironically, on the same grounds that they objected to the liberal activism of the Warren Court. They accuse Epstein of permitting his policy preferences to overwhelm his reasoning—in effect, abandoning the cause of originalism. Though he may start with a sound constitutional principle, such as the protection of private property provided by the takings clause, his reading of the clause is so broad that he manages to infer rights that aren't enumerated in the Constitution.

Worse yet (at least as far as his conservative critics are concerned), Epstein is not above sanctioning the judiciary to act aggressively in order to secure rights that he considers guaranteed. Take *Lochner* v. *New York*, the notorious 1905 case in which the Supreme Court struck down a New York state law that put a cap on the number of hours bakers could work each week. health and safety as a pretext for anticompetitiveness," says Epstein.

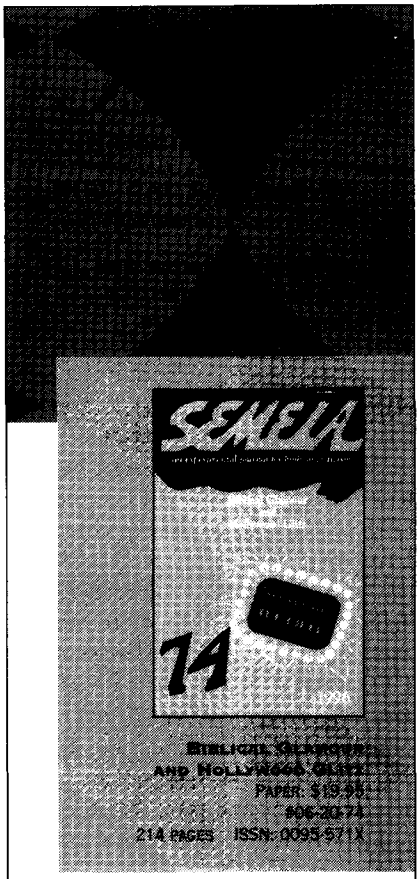
Not surprisingly, Epstein's theories are hotly disputed inside the Federalist Society. "A lot of people believe this is just activism of another name," remarks Peter Keisler, an early member of the society who now practices law in Washington. Yet his most frequent critic remains Bork, who dismisses Epstein's libertarianism as a "utopian dream." Indeed, when it comes to economic issues, Epstein virtually makes Bork sound like a liberal. Of Epstein's calls to junk the New Deal, Bork quips, "The modern state is too late for that kind of constitutional argument to have any kind of effect.... You would suddenly be announcing that Medicare is gone, Social Security is gone. Judges just don't have the power to make a rollback like that stick."

Perhaps the unkindest cut has come from Gary McDowell, a Justice Department official under Reagan who groups Epstein's views with those of the "liberal left"; they are both, says McDowell, "rooted in the same shallow soil, that of personal predilection and personal preference." None of this seems to worry Epstein, who was promoted by the Heritage Foundation as a candidate for the Supreme Court in 1984 but has never been nominated to the judiciary. His latest laissez-faire scheme, which he sketched in the editorial pages of *The Wall Street Journal*, is not likely to improve his popularity among traditional social conservatives: He's calling for converting the enterprise of organ donation into a for-profit business.

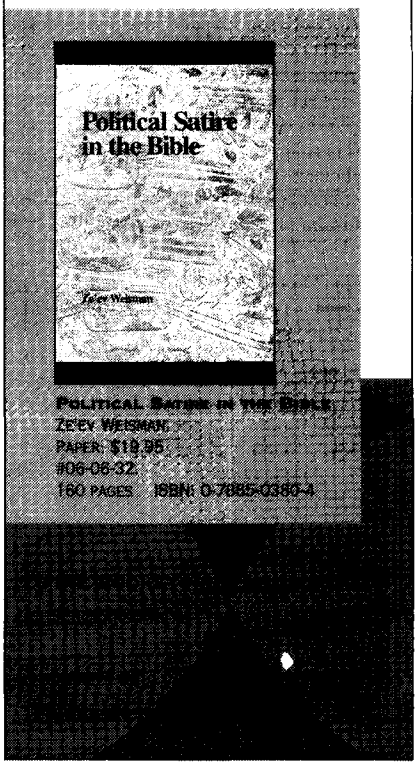
EVEN when the Federalists share a set of values, they often find that conservative political ideology and conservative legal theory are in conflict. Consider the recent upheavals surrounding religious freedom. In 1993 Congress passed the Religious Freedom Restoration Act, or RFRA. The legislation was intended to ensure that religious organizations would be exempt from laws that unduly interfered with their activities. It was strongly backed by the religious right.

BORK'S 1971 ARTICLE WAS THE FIRST TRUE SHOT ACROSS THE BOW OF THE WARREN COURT.

Today, most conservative legal thinkers acknowledge that—political preferences aside—*Lochner* was an unfortunate case of judicial activism. Not Epstein. He contends that the state law itself represented the fruits of a dubious union campaign to shut down nonunion bakeries. It was fundamentally anticompetitive legislation passed under the guise of health law. So why not strike it down? "You can't use



DISCOVER THE CUTTING EDGE OF BIBLE AS LITERATURE



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"TO ME IT'S A LITTLE RIDICULOUS THAT THESE PEOPLE WHO ARE RAILING AGAINST JUDICIAL POWER WANT THE COURTS TO MAKE SUCH IMPORTANT DECISIONS," SAYS LINO GRAGLIA.

But the Supreme Court promptly struck down the act in a decision authored by archconservative Antonin Scalia.

Supporters of the legislation believed that Scalia was wrong and that they had original intent on their side: The University of Utah's Michael McConnell, for example, had burrowed deep into eighteenth-century history to interpret the Constitution's free-exercise clause. ("Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.") He concluded that "the most probable understanding of the free exercise clause is that it did provide substantive protection for the exercise of religion even against neutral and generally applicable laws—laws like the taking of oaths and military conscription." But critics of RFRA were unswayed by such appeals to the framers' original intent: They were much more concerned with the possibility that the legislation gives judges too much authority. After all, under RFRA, courts are put in the business of carving out exemptions to tricky laws supported by democratic majorities.

"To me it's a little ridiculous that these people who are railing against judicial power want the courts to make such important decisions," says the University of Texas's bluntly outspoken Lino Graglia, a regular at Federalist Society gatherings. "It is not realistic to argue that the Court should be able to make big, important decisions and at the same time berate the courts for a lack of humility."

DESPITE its internal contradictions, there is no denying that the Federalist Society has left its mark on legal scholarship. Whether this is in fact thanks to a right-wing conspiracy or merely to the persuasiveness of some of its arguments, the intellectual descendants of James Madison can no longer be ignored. As Jeffrey Rosen, the legal affairs editor of *The New Republic*, playfully put it in the opening line of an essay

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for the weekly magazine this past spring, "We are all originalists now."

But while the days of judicial activism and freewheeling constitutional interpretation that characterized the Warren and Burger Courts appear to be over, a new battle may be just beginning for the Federalist Society. That's because a liberal version of originalism is appearing on the horizon. Several young legal thinkers are hatching a school of constitutional thought that also relies on greater sensitivity to history—only the conclusions they are drawing are often unambiguously liberal.

Perhaps the leading liberal originalist is the thirty-nine-year-old Akhil Reed Amar, who was at Yale Law School with Calabresi and considers himself "an admirer" of the Federalist Society. For Amar, the search for original intent encompasses not only the ideas of the framers but also the work of those who subsequently altered the Constitution in significant and legitimate ways. "We have to look not just at the founding fathers but at their grandsons and granddaughters," he says.

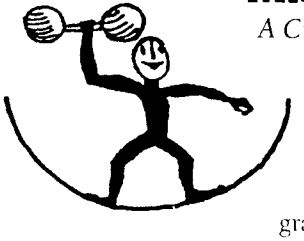
In his new book, *The Bill of Rights* (Yale), he does just that, examining how the Reconstruction Era revived and reshaped the Bill of Rights. If the principal concern in the late eighteenth century was how to protect the great mass of citizens from the government, Amar figures, the biggest worry after the Civil War was how the government could protect the rights of minorities from majorities. "If you're James Madison in 1780, you trust your local legislature, but you're somewhat distrustful of the federal government," says Amar. "All of that gets inverted after the Civil War."

Eric Schnapper of the University of Virginia relies on original intent to make an even more provocative argument: The framers of the 14th amendment actually supported affirmative action. To opponents of race-based set-asides such as Justice Scalia, the language of the 14th Amendment, which guarantees "equal protection" for all citizens, represents a clear condemnation of programs designed to favor minorities. But Schnapper turns the tables on the conservatives, arguing that the very same Reconstruction Congress that ratified the 14th Amendment also approved a series of social welfare programs created exclusively for blacks. Further, Schnapper points out that these programs—which included job training, education and employment set-asides—were open to all blacks, not just recently freed slaves.

Amar and Schnapper are serious about original intent. But they conclude that the meaning of the Constitution owes as much to the era of Reconstruction as to the framers themselves. Out with Madison and Hamilton; in with the fiery Radical Republicans of the 1860s and 1870s. How do Federalists feel about their methodology being co-opted by the enemy? "It's a victory of sorts and a defeat of sorts," says Calabresi. "But it's a big improvement over fifteen years ago, when these things were debated without any concern for history or original intent."

Jonathan Mahler is the editorial page editor of the *Forward* newspaper in New York. His article "The Polish Perplex: Is Norman Davies Innocent?" appeared in the March 1998 issue of *LF*.

A new look at the Social Sciences



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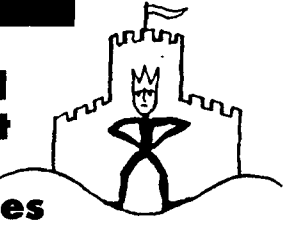

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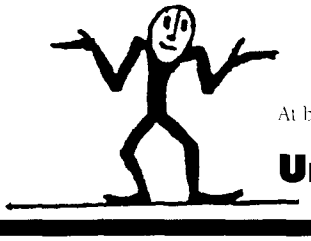

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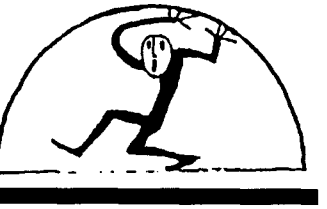

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THE NUMBERS GAME

THESE DAYS, HISTORIANS ARE MEASURING EVERYTHING. BUT DO THEIR FIGURES ADD UP?

BY **LAWRENCE OSBORNE**

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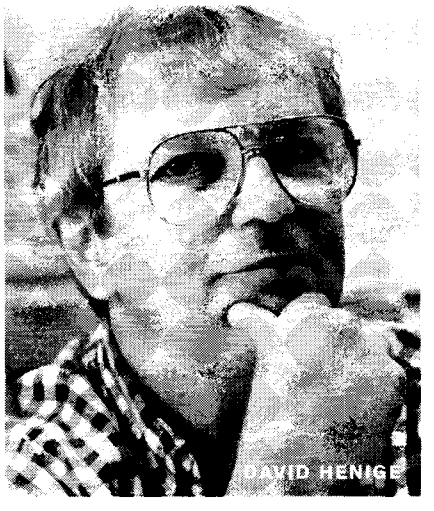
THE ITALIAN ADVENTURER Giacomo Casanova, in his 1788 fantasy novel, *Icosameron*, was careful to give his readers elaborate details about an imaginary subterranean world called Protocosmo. In this world, he wrote airily, there were 11 trillion inhabitants, most of them tiny and red. They were divided, he tells us, into 90 kingdoms, 10 republics, and 216 fiefs with 10 million red midgets apiece. Amiable and talkative, these humanlike minnows were obligingly forthcoming with their vital statistics. And Casanova's readers just had to know all the facts. But then again, Casanova was a notorious teller of statistical tales—as was the Father of History himself, Herodotus. When the latter wanted to give his audience a chilling image of the Persian army that invaded Greece in 480 B.C., he said there were 1,700,000 soldiers in it. (The figure stuck for millennia, even though such an army would have stretched from Thermopylae to eastern Turkey.) Somewhere between Herodotus and Casanova, Julius Caesar for his part claimed his troops killed 430,000 Germans in a single battle—not bad going, though somewhat paltry when compared to the hundreds of thousands of Hittites alleged to have been exterminated *personally* by Pharaoh Ramses II at the battle of Qadesh.

Undoubtedly, statistical techniques have improved vastly since the days of Herodotus. Today, historians use numbers to resurrect the complexities of long-dead societies in an effort to assess matters as diverse as mortality and birth rates, dietary habits, and the distribution of scarce resources. As history has become more specialized and scientific, its pages have become filled with statistical charts attempting to pinpoint the most minute aspects of a given society—however remote—with dazzling precision. Historians increasingly strike out across disciplinary frontiers into more numerate fields such as demography, sociology, and physical anthropology in pursuit of their data. Yet, some skeptics ask, how accurate can statistics be when they purport to explain life in eras whose records are incomplete or in societies that have left no written sources? By using statistics so liberally—even when dealing with preliterate or largely lost cultures—do historians risk using soft numbers to give the illusion of hard fact?

In fact, a thorny problem exists at the heart of demographic historiography. Only a very few cultures in world history ever had the means, or the inclination, to make accurate numerical assessments of themselves. China, Egypt, and Western Europe are well known for their enormous body of statistical records stretching back millennia. A village in thirteenth-century France can be resurrected with astonishing accuracy, as Emmanuel Le Roy Ladurie brilliantly showed in his 1975 classic, *Montaillou*. We know how much beer and wheat each peasant consumed, when he or she was born and died, how many years he or she worked on average, at what age couples had children, and so on. Humdrum parish or church records in a handful of Western countries are recognized by historians to offer an exceptionally detailed picture of those societies as they existed centuries ago. But can the same be said of sixteenth-century West Africa or the societies of the pre-Columbus Americas? Clearly not, and when researchers attempt to draw up the vital statistics of these societies—many of them destroyed by European imperialism—they create controversies that are as irresolvable as they are bitter.

David Henige, who has a Ph.D. in history and is now African studies and Near East bibliographer at the University of Wisconsin, has fiercely criticized the misuse of statistics by contemporary historians in a book published this year called *Numbers From Nowhere* (Oklahoma). In it, he observes that historians' numbers (especially those dealing with the pre-Columbian population of the Americas) are rarely as solid as they look. Rather, they are malleable and fluid; integers and zeros occasionally creep in unnoticed. The results, according to Henige, are often little more than "a matter of going along with the times rather than with the evidence." When dealing with societies that did not keep close track of their own populations, he argues, scholars tend to come up with statistics virtually plucked from the thin air of speculation.


DAVID HENIGE

"In fact, when dealing with areas where there are no real written records, there's nothing easier than fabricating a number," he says. "Yet since numbers have so much prestige, it is tempting to use them abundantly. After all, it's harder to argue against a number than a verbal statement. Statistics make it seem that you are dealing with certainties when in fact sometimes you are not."

Even where there are written records, statistical controversies can be heated. One example of the kind of confusion that bedevils historical demography is the debate about the scale of the Atlantic slave trade connecting Europe, Africa, and the Americas. Estimates of the total number of Africans transported across the Atlantic between 1500 and 1900 have ranged wildly, from 3.5 million to a staggering 100 million. In recent years, attempts by serious historians to estimate the number of Africans brought to the New World have hovered between 10 and 15 million, but even this relatively small discrepancy leaves ample room for disagreement.

A milestone survey of the slave-trade quagmire was Philip Curtin's *The Atlantic Slave Trade: A Census*, published in 1969. In it, Curtin cast a cold eye on the statistical lore surrounding New World slavery. At the beginning of the book, he writes:

> Now that many historians are trying to make history into a social science—at a time when the social sciences themselves are becoming more quantitative—one way to gauge the state of historical scholarship is to examine the way historians have dealt with an important quantitative problem.

Before Curtin, discussion of the slave trade among historians tended to be geographically limited in focus and somewhat moralistic in tone. By looking at the slave trade within the context of international commerce, Curtin was able to

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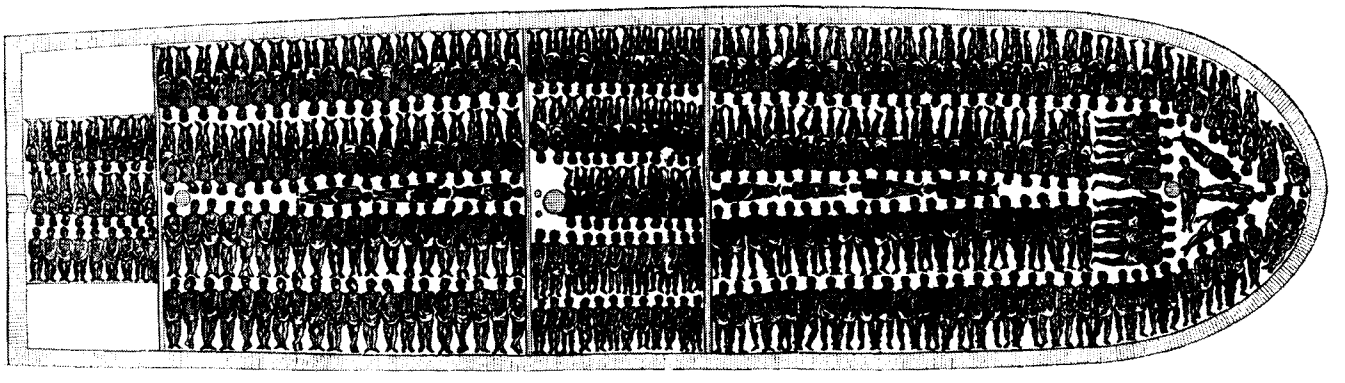
frame regional comparisons, better understand changes in the trade over time, and finally take a hard look at the total numbers involved. In taking that look, he uncovered two numerical traditions completely ignorant of each other, each with its own citation chains flowing back to different sources. Both were based on educated guesses buttressed by shaky extrapolation.

Basil Davidson, the noted British historian of Africa, had suggested a figure of "15 millions" for the slave trade in his book *Black Mother* (1961). Following his source, he called this a "conservative estimate," but in due time Africanist Robert Rotberg upped it to 25 million in his *A Political History of Tropical Africa* (1965). Where did Davidson's number come from? He had cited British demographer R.R. Kuczynski's 1936 work *Population Movements*, as had the Africanists Roland Oliver and J.D. Fage in their landmark *A Short History of Africa* (1962). All roads, it seemed, led back to Kuczynski, who was named by all and sundry as the source for the "conservative" 15-million-and-up figure. By the 1960s, this had solidified into an assumption of what Curtin called the "tower of authority."

But had Kuczynski made his calculation on the basis of an examination of historical documents, such as shipping data and government accounts, or had he cited his number from an earlier authority? Unfortunately, it was the latter; the daisy chain led yet further back, this time to the great African-American scholar W.E.B. Du Bois. And Du Bois's numbers were also borrowed, at long last, from the original source: an obscure American antislavery publicist of the mid-1800s named Edward E. Dunbar, who had informally polled slave traders to derive reasonable estimates, which led him to a grand total of 13,887,500. "The exact number of slaves is not known," Du Bois wrote, and then he proceeded to round Dunbar's estimate up to 15 million. So began a hundred years of agreement on a statistic based on little more than educated guesses and hearsay.

Meanwhile, a second tradition of slave counting had begun in Jamaica in the 1780s. There, a certain Bryan Edwards generated total figures for slaves brought to Jamaica by the British between 1700 and 1786 (using records no longer extant) and arrived at the figure of 610,000. Then, estimating Jamaica's relative importance to British commerce, he multiplied by three. As a final step, he added 300,000, the going guess for the total number of slaves imported by the British before 1700. A hundred and fifty years later, Sir Reginald Coupland derived a total number for the European slave trade in his *British Anti-Slavery Movement* (1933). To do so, he took Edwards's British figure and inserted his own multiplier, based on what he figured to be the British share of the total slave trade (which included Portugal, France, Spain, Holland, and other countries). Factoring in the post-1786 trade, he arrived at a grand total of 20 million. In 1946 Frank Tannenbaum's *Slave and Citizen* referred to this citation chain and again wafted the figure of 20 million. Was it an exaggeration? he wondered aloud. He couldn't really say. "Even a conservative estimate," he opined, "would hardly cut this figure in half."

When the two citation chains finally met in David Brion Davis's *The Problem of Slavery in Western Culture* (1966), the figure was again put at 15 million or more. But agreement did not indicate any methodology or rigor. "On closer examination," Curtin writes, "the vast consensus turns out to be nothing but a vast inertia, as historians have copied over and over again the flimsy results of insubstantial guesswork." The hesitant guesses of the nineteenth century, he showed, had increasingly been "passed off as hard data" in the twentieth. Up to the time of Curtin's writing, in 1969, the only solid primary research on slave-trade



CROSS-SECTION OF A SLAVE SHIP

HOW MANY SLAVES WERE TRANSPORTED TO THE NEW WORLD? ACCORDING TO CURTIN, THE "VAST CONSENSUS" REFLECTED "THE FLIMSY RESULTS OF INSUBSTANTIAL GUESSWORK."

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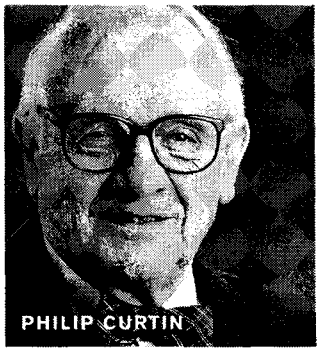
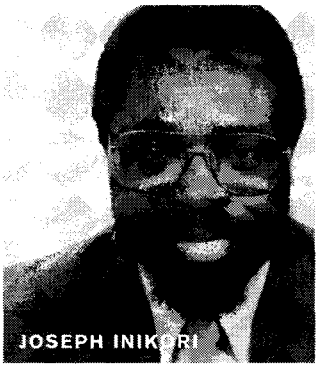
numbers had occurred in a work not on slavery but on sugar. In *The History of Sugar* (1950), British historian Nöel Deerr arrived at a figure of 11,970,000 by adding up various local government and shipping estimates. The historical literature ignored this new figure, Curtin notes grimly, for twenty years. Curtin's own estimate, based on an exhaustive survey of secondary sources, was even lower: 9,566,100 slaves had arrived in the New World, more or less.

Was that the end of the debate? Hardly. In the years since his book was published, Curtin, who recently retired from Johns Hopkins, has squared off with the Nigerian historian Joseph Inikori, professor of history at the University of Rochester, amid intimations of laziness, guesswork, and prejudice. Curtin's lower estimate (which eventually stabilized at around 10 million) was accepted by a generation of students under his influence, most notably the historian Paul Lovejoy, who has continued to fine-tune the slave-trade numbers, always taking Curtin as the point of departure. Inikori, however, bumped the figure (for departures from Africa) back up to 15.4 million in his book *Forced Migration* (1982) and other works on slave-trade-era African economics. Inikori charges that Curtin's figures were widely accepted because of "a personality cult" and because staying in the penumbra of Curtin's work made one's career advancement easier. "The problem," he claims, "is that many historians cannot really judge primary statistics, and so it becomes a question more of faith and personality than of a meticulous search for some numerical truth. It's what I call entrepreneurial scholarship—reaffirming other people's statistics in defense of your own vested interests."


PHILIP CURTIN


JOSEPH INIKORI

Inikori, who specializes in the effects on Africa of the slave trade, is no stranger to number crunching. He has used his own numbers to demonstrate that the slave trade fundamentally disrupted West African cultural, economic, and social patterns, condemning Africa to a subservient role in a Eurocentric trade system. Moreover, Inikori contends that Europe's American empire was so remarkably profitable precisely because of the unpaid labor force it stole from Africa. In support of this second point, he has argued that Curtin's numbers for the slave trade are too low.

How, then, did Inikori arrive at his number? He began by comparing

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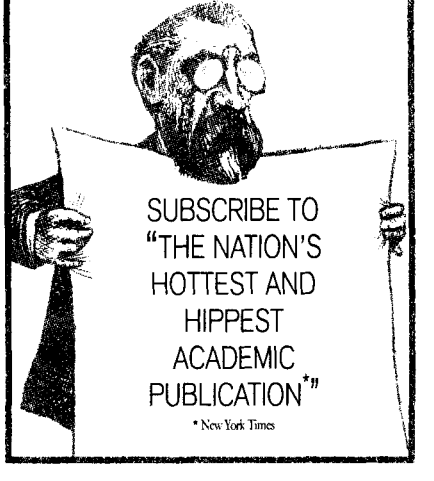
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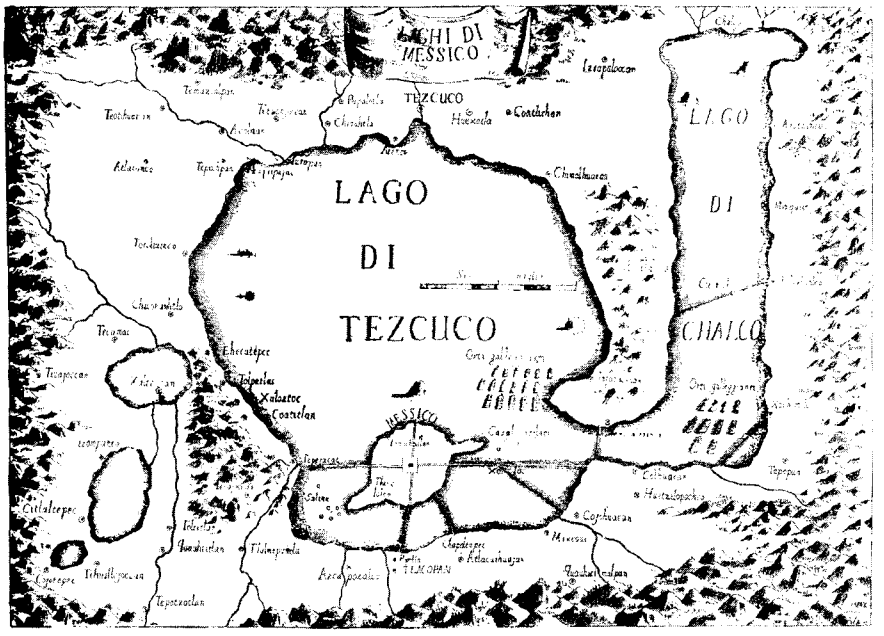

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Curtin's figures with competing estimates. These he then adjusted for "falsifications"—missing evidence, the prevalence of smuggling, and the like—which other researchers may have missed. Then Inikori made what he calls a "statistical inference," creating an average among all of them. "It's about spanning the difference between what you know and what you can't know," he says. "My figure of 15.4 million comes from my intuition, my *feeling* about the evidence."

But how great are these differences, anyway? Curtin claims that 10 million slaves ***arrived*** in the Americas (and acknowledges that there may be as much as a 20 percent margin of error in his figures), while Inikori claims that 15.4 million ***departed*** Africa. If—as most scholars believe—deaths during the Middle Passage approach 2 million, then Curtin and Inikori come within a hairbreadth of having their figures agree. What, then, is the dispute? Are these men arguing not about numbers, but about the larger historical context in which numbers—even numbers that are virtually the same—mean different things?

If statistical warfare over the issue of Africa's population and the slave trade is intense, it pales next to that being waged over the fifteenth-century population of the Americas. How many people lived in the Americas before Columbus's Caribbean landfall in 1492? Or before Cortés's conquest of Aztec Mexico in 1519? The answer is crucial for several reasons. Few would deny that the conquest was defined by profound venality and brutality, but did the Spanish (and the Portuguese, English, French, Dutch, and others) commit outright genocide through war, slavery, and disease? Our understanding of the European conquest—and with it the inception of global empire—is shaped by our sense of how badly indigenous populations were devastated during the first years of contact with Europeans. And the scale of devastation in turn depends on the size of the population before contact. The myth of European empire, wherein white colonists insert themselves into a sparsely inhabited land blessed with untapped resources, crumbles if the Americas had a large populace.

SCHOLARS HAVE DEBATED THE PRE-COLUMBIAN POPULATION OF THE AMERICAS FOR SEVERAL DECADES.

Not long ago, the accepted figure for the entire hemisphere's population was about 8 million, based on an estimate of 4 to 15 million by the early-twentieth-century anthropologist Alfred Kroeber. Kroeber's numbers were derived from a combination of guesses, estimations, and previous sources. Then, in 1948, a trio of researchers at the University of California changed the terms of the pre-Columbian-population debate entirely. Sherburne Cook, a professor of psychology, Lesley B. Simpson, one of the greatest historians of Mexico, and Woodrow Borah, professor of Latin American history, produced over a period of twenty years what they intended to be a definitive overhauling of population counts for central Mexico. By examining one portion of the hemisphere, and estimating changes in population over several decades, they drastically revised the demographic record. Cook, Simpson, and Borah came to be known as the California School—or, less flatteringly, the High Counters. By the time their work was digested, the hemisphere's precontact population had increased by a factor of ten.

In their 1948 book, *The Population of Central Mexico in the Sixteenth Century*, Cook and Simpson used Spanish military and missionary documents to estimate a population of about 6.5 million for central Mexico in 1540. But in a series of works beginning with a 1958 journal article, Cook and Borah went several steps further. They started with an incomplete Spanish census of central Mexico made in 1548, a collection of data known as the *Suma de visitas de pueblos*. This was the Spaniards' first attempt to count the inhabitants of their empire, and it recorded a population of only 1.3 million.

But Cook and Borah believed the *Suma* was problematic—and that its figures had to be adjusted upward. Not all of the survey had survived, and it was not clear how much had been lost. Also, based on what they believed about the *Suma*, Cook and Borah determined that numerous populations had been ignored by the Spanish count. Ambiguities in the document's terminology—*tributario*, *casado*, and so on—left several open questions: Was the *Suma* a tax list? A property-holder list? A list of all men? A list of everyone? And if only selected persons were counted, how would the researchers determine a ratio for estimating the rest of the populace? Moreover, could entire Indian populations have eluded the counters? To

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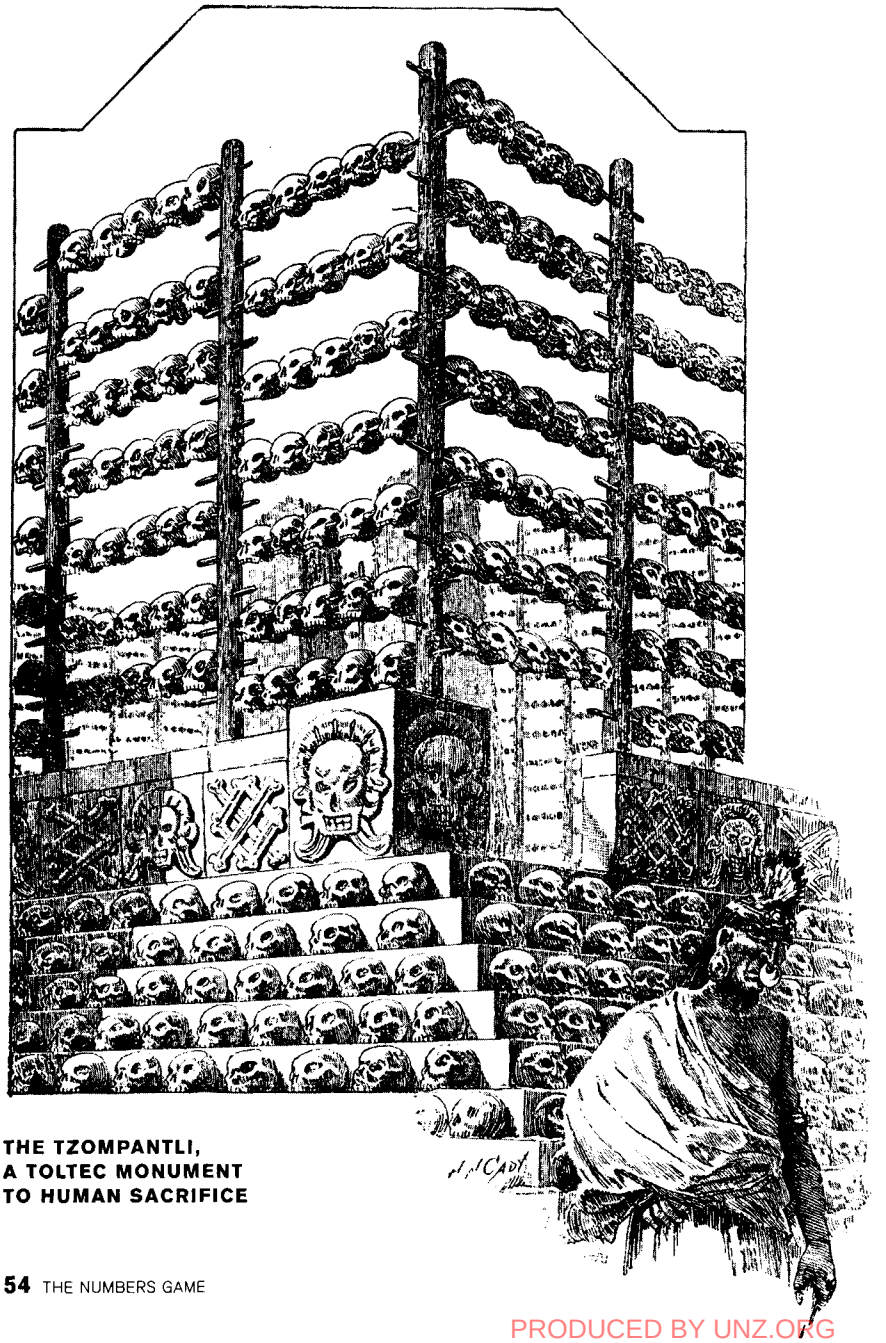
help unravel these questions and to provide further statistical raw material, Cook and Borah turned to pictographic Aztec tribute lists, especially the *Codex Mendoza* and the *Matrícula de tributos.*

After several stages of estimations, adjustments, and extrapolations, Cook and Borah believed that they had accounted for those who had been omitted—ignored regions and groups; tax-exempt nobles; women, children, and slaves everywhere. Accordingly, they generated a completely new number: 7.4 million in 1548, or an increase of 440 percent over the *Suma*'s count.

But that was only the beginning of the population game for central Mexico. Having counted the population in the 1540s, Cook and Borah turned to the far more difficult—and controversial—task of estimating the population before the Spanish arrived in 1519. First, Cook and Borah looked at counts for sixty-four towns between 1552 and 1570: The indigenous population had been halved during that time. Based on the fact that so many Mexicans were still dying three decades after contact, Cook and Borah determined that a drastic population drop was under way and decided that they were looking at a geometric decrease in population: 3.8 percent annually. With these figures in mind, they concluded that on the day that the conquistadores' ships landed the population of Mexico stood at 25 million.

COOK, SIMPSON, AND BORAH CAME TO BE KNOWN AS THE CALIFORNIA SCHOOL—OR, LESS FLATTERINGLY, THE HIGH COUNTERS.



THE TZOMPANTLI, A TOLTEC MONUMENT TO HUMAN SACRIFICE

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This high figure supported—and was supported by—eyewitness accounts that the native population had suffered an apocalyptic depopulation as the result of an epidemic brought on by European pathogens. With a degree of circularity, Cook and Borah allowed the disease theory to suggest a huge population drop while simultaneously arguing that the greater the drop, the greater the epidemic must have been. They further supported their figures with calculations of "carrying capacity," an idea widely used in anthropology and archaeology that attempts to estimate the maximum population a given ecosystem can sustain. The theory holds that the actual population of a region approaches the upper limit suggested by its carrying capacity only in complex, "advanced" societies. Again following a Möbius-strip logic, Cook and Borah claimed that the highly centralized, bureaucratic society of the Aztec empire would have been able to use resources in such a way as to maximize population. And the larger the population, they figured, the more highly organized the society. The California School was born.

But since the late 1960s, Cook and Borah have been taken to task by several scholars whose critiques have not received much attention. In 1968 the Latin American demographer Angel Rosenblat argued that, based on his reading of the sources, the *Suma* did in fact count women, children, and others, and thus that Cook and Borah

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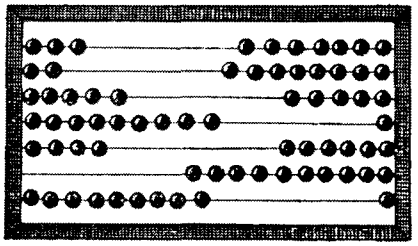
ZAMBARDINO ESTIMATED A POPULATION BETWEEN 2.7 AND 35 MILLION—NOT EXACTLY A USEFUL SHOT IN THE DARK.

had counted them more than once. He also found instances where Cook and Borah had misread the documents and counted towns and villages multiple times. Finally, Rosenblat noted that Cook and Borah had determined how many tax-exempt nobles there might have been based on a survey of only seven small towns. Their calculations, Rosenblat noted dryly, were "based, almost entirely, on pure supposition and on poorly interpreted readings" of the sources. Based on his own earlier work, he argued for a precontact population of 4.5 million.

It did not stop there. In 1978 the Dutch agricultural historian B.H. Slicher van Bath pointed out that terms such as *casado* and *tributario* did not have stable meanings in the documents. And yet, Cook and Borah had made assumptions about house ownership, family occupancy per home, and family size that were based on set definitions of these terms. Slicher van Bath further argued that the California School had assumed average family size as 4.5 persons—based on sample evidence that he charged was unrepresentative. He contended that one could, with the same evidence, generate completely different family sizes and rates of *casados* or *tributarios* per total population. But after correcting what he saw as Cook and Borah's errors, his own estimate was only 15 percent lower than theirs.



Finally, an Italian statistician named Rodrigo Zambardino demonstrated in 1980 that because Cook and Borah had used so many multipliers—each of which adds a factor of uncertainty—their final margin of error was so great as to render their figures meaningless. Without even considering all of the other scholars' criticisms, one could take the California School figures and, estimating on the conservative side, come up with 5.7 million people in 1519 as easily as the 25 million they claimed. Zambardino preferred to express population as a possible range, placing his 1532 figure somewhere between 2.7 and 35 million—not exactly a useful shot in the dark. Furthermore, he pointed out that Cook and Borah's population estimates would have made central Mexico the most densely populated area on earth in 1519. Which was not impossible, to be sure, but not terribly likely, either.

What, then, could a scrupulous historian do but utter the dreaded words "I don't know"? Fat chance of that, says the skeptic David Henige. "Some

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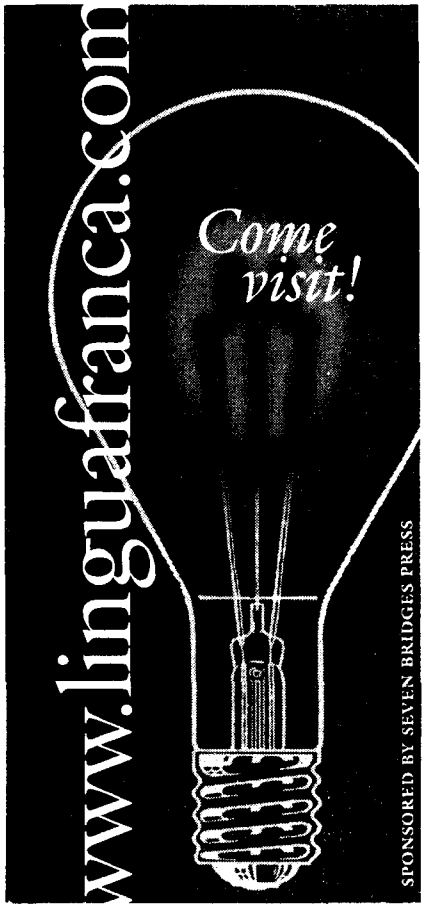

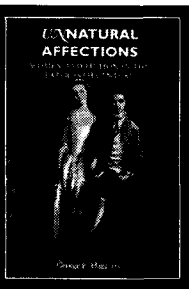

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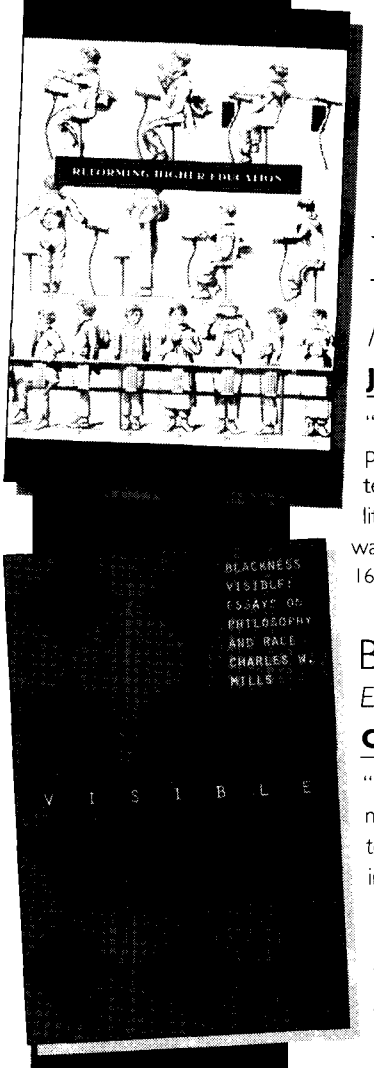
number is usually better than no number at all," he quips. Numbers, like nature, abhor a vacuum.

Indeed, Cook and Borah's efforts have been phenomenally successful—at least in the popular perception. Today, counts for ancient Mexico have climbed as far as 50 million, with 100 million routinely claimed for the hemisphere as a whole. At the time of the quincentenary of Columbus's landing in the New World, *U.S. News & World Report* gave 40 million for the precontact hemispheric population; when *Reader's Digest* adapted this same story a few months later, it more than doubled the figure to 90 million with no explanation whatsoever. Many historians now support figures of this magnitude, relying on the methods and assumptions of the California School.

William McNeill, for example, in his influential *Plagues and People* (1976), cites a figure of 100 million on the basis of Cook and Borah's "elaborate statistical arguments." Le Roy Ladurie echoed Cook and Borah's vast totals for the isle of Hispaniola (8 million) but fell back to an earlier Cook and Simpson figure of 11 million for central Mexico; Henry Dobyns, perhaps the California School's most enthusiastic follower, argued for a 95 percent depopulation rate in Mexico and an original population there of 51.6 million. Serge Gruzinski, in his *The Conquest of Mexico* (1993), gives a confident figure of 25 million for Mexico in 1519, citing Cook and Borah as his source. Other writers, like Kirkpatrick Sale, in *The Conquest of Paradise* (1990), and David Stannard, in *American Holocaust* (1992), use the California School's high figures to emphasize the devastating effects of the European conquest.

Despite the criticism his numbers have received over the years, Woodrow Borah, professor emeritus of history at UC-Berkeley, is undaunted by his detractors. "I think that some people want to take these statistics downward for political reasons. After all, it's easy to dismiss the reliability of these early sources, but we simply use what we have available to us—we have no other choice, do we? That doesn't mean that what we deduce from those sources is wrong."



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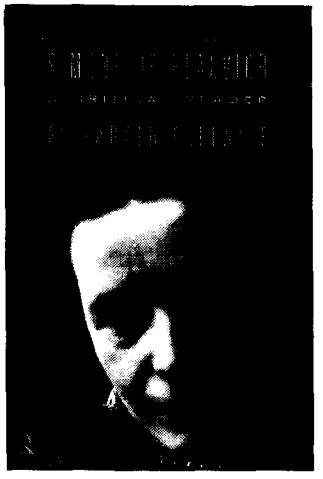

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ROUTLEDGE

Borah acknowledges that huge areas of the Americas yield little in the way of real evidence other than eyeball estimates by the first Europeans. But Aztec tribute lists, he believes, give a fair sense of the ancient Mexican population. "The Aztecs left good land records and tribute lists, and I feel that they reveal a devastating loss of population with the coming of the Spanish. Of course there are margins of error, but 100 million seems to me a perfectly reasonable population for the Americas in 1492."

Another prominent scholar of the Americas, William Denevan, professor emeritus of geography and environmental studies at the University of Wisconsin and editor of *The Native Population of the Americas in 1492* (1976), has, in turn, criticized both Borah and his predecessors. "I think the 100 million figure is ridiculous: 50 million is far more likely. And Borah oversteps himself on the Mexican numbers with those tribute lists, because they count materials, not people. But I also feel that the early-twentieth-century Low Counters could be criticized too. Their methods, after all, are just as vulnerable to demolition as those of the High Counters. But in any case, you can't blame people for trying to make statistics on this issue: It's too fundamental a question, too passionately important, *not* to have statistics."

Robert McCaa, a demographic historian at the University of Minnesota, puts his trust in numbers. But he is also, like Curtin, a skeptic: He knows that statistics do not represent absolute truths. The important thing, says McCaa, is to focus on the numbers we can establish, not on those we can't. And that may mean putting aside the symbolically freighted population totals that inspire so much debate. "The point is that the total population figure is not that important anyway," he says. On the other hand, he points out, "Using even very small samples you can work out key demographic trends with amazing accuracy, even for places like sixteenth-century Mexico. What matters in history are the dynamics, not the static totals. Demography is a science of rates."

Wisconsin's Denevan agrees. The grand totals simply give a sense of scale. "The order of magnitude of the estimates is what's important," he says. "There's a big difference between 8 million and 50 million, and between 50 million and 100 million. The precise numbers are not important."

Henige is not so tolerant of statisticians' margins of error. In *Numbers From Nowhere,* it seems, he has updated Twain's dictum that "there are three kinds of lies: lies, damned lies, and statistics." Categorically, Henige says, "It's impossible to count a large number of people accurately, and it's even more impossible to extrapolate those numbers." And as sure as he is that numbers are liars to the core, he also knows that people will continue to be conned by them and by those who wield them like amulets. "It's difficult to believe," he says, "that numbers will not continue to be a game in certain scholarly areas. We can't analyze numbers as easily as we can words, so we are more credulous of them. Answering the unanswerable will always be a temptation for many people, like believing in saints. Numbers, I fear, will be misused for a long time to come."

But McCaa advises a measured, rather than absolute, distrust of quantitative data: "All evidence must be approached with a certain amount of reverence and massive amounts of skepticism." And he does not subscribe to Henige's claim that numbers have some special power. "There are some," he says, "who use numbers uncritically. But there are also many who use words—texts—uncritically." In spite of all the noisy debate in the field, McCaa remains sanguine about the use and worth of statistics—and confident that scholars are committed to refining their methods and adjusting their figures. "It does seem to me that the skepticism of a Henige is unduly pessimistic. Even though Henige's book is extremely well argued, and very funny too, one has to remember that methods and statistics are always evolving. They are not hieroglyphs; they are living things."

Lawrence Osborne is the author of *Paris Dreambook* and *The Poisoned Embrace*, both published by Vintage. His article "A Pirate's Progress: How the Maritime Rogue Became a Multicultural Hero" appeared in the March 1998 *LF*. Hal Cohen provided research assistance on this article.

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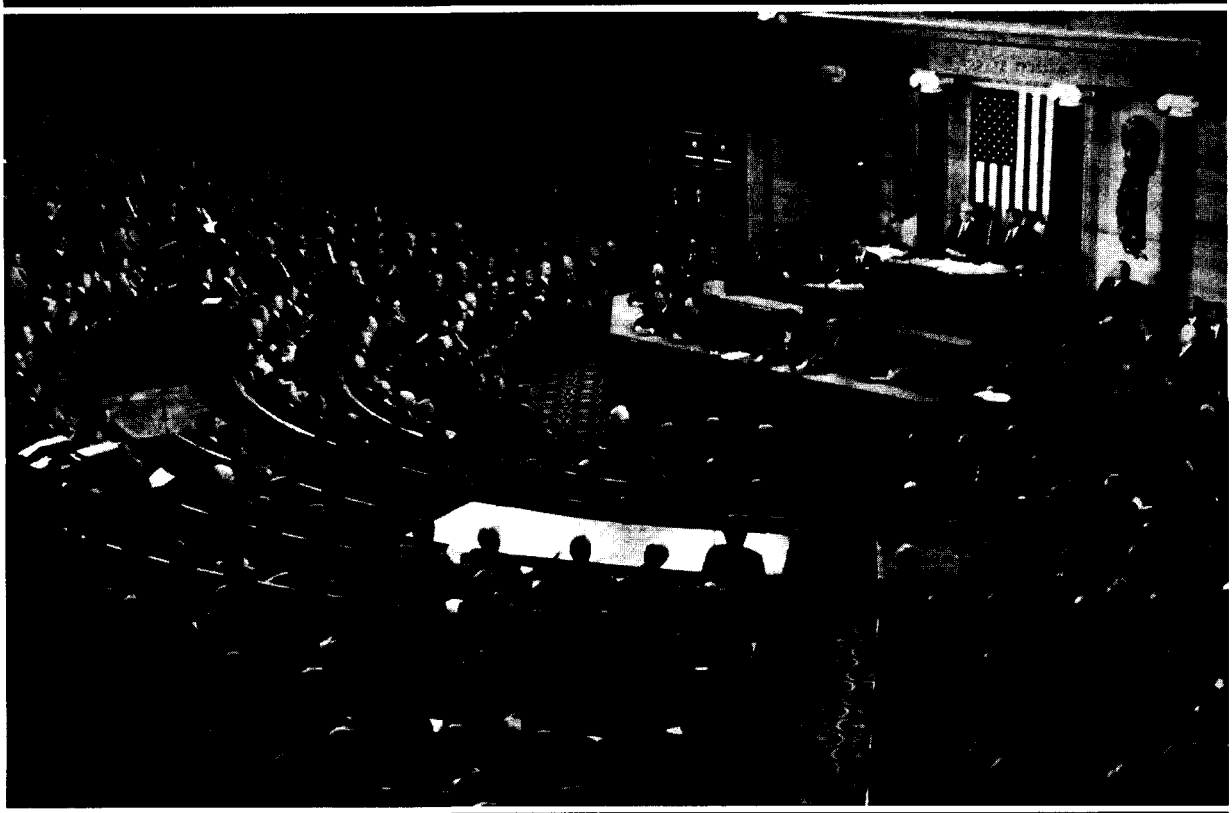

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SPEAKING TO POWER

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THE PERFORMANCES OF JUDITH BUTLER

BY MICHAEL LEVENSON

JUDITH BUTLER IS SO IMPORTANT THAT the worst thing to do when discussing her work would be to nod and praise. She is a supreme late-millennial theorist, trying to shift the weight of a heavy legacy while still keeping alive as a critical thinker. All through her tense writing, you feel the burden of the concepts she is carrying; you see the shadows of an old tradition and the glimmerings of a new one. With a long look back to Hegel and short glances toward Catharine MacKinnon, she is conscious of living at an impasse, and the edginess in her work comes from the recognition that as politics has become unstable, thinking has become difficult.

Trained in demanding philosophies and committed to radical politics, Butler is one of the most formidable thinkers in our midst. Believing that nothing is easy, she has made a watchword of precision: *Gender Trouble* (Routledge, 1990) was her influential attempt to put philosophic exactness in the service of social change. The feminist political force of the book—its defense of drag, of sexual experimentation, of gender mockery and parody—was matched by its conceptual rigor, its manipulation of notions of "identity" and "desire," of "copy" and "original." But in its very ambition, the book raised a question that has haunted her career: Will the philosophy and the politics converge? Will they condition and support one another? Butler wants the strictness of technical philosophy and the quick kick of left militancy. Can she have both?

Late last year she published two books. While *The Psychic Life of Power* addresses a series of philosophical puzzles, *Excitable Speech: A Politics of the Performative* explores the controversies that swirl around obscenity laws and speech codes. Do these books show the great range of Butler's gifts? They do. But they also show strains in her critical performance, and expose a degree of weariness within her intellectual energy.

The first footnotes in *Excitable Speech* are to Louis Althusser and J.L. Austin, two names that can't fail to create a little shudder when they appear in the same sentence, evoking neo-Marxism and ordinary language philosophy, Paris and Oxford, the barricades and the armchair. It's what Butler seems to enjoy by temperament as much as conviction. She likes to orchestrate a dissonance, to stage the collision of two rival strains of thought, and to show that in the midst of their mutual refusal she can find opportunities. She believes that nowadays, late in the history of theory, the problem for both politics and philosophy is the overripening of two contrasting doctrines. One is the claim for a sovereign identity, anchored in group affiliation, for which "assuming and stating a subject-position is the consummate moment of politics." The other view, which has become one form of post-structuralist orthodoxy, dismisses the subject as an ancient mirage, no more than a mystifying illusion.

Two pictures come to mind: the militant in the public square, making demands in the name of her race, his sexuality, their nationality—and the tweedy academic in the conference hall, conceding the futility of resistance and the illusoriness of identity. Both images agitate Butler. She sees much of identity politics as "derived from some classical liberal-humanist formulation" and leading to "naive forms of political optimism," as if progressive change could be achieved just by rallying the will after a good breakfast. On the other hand, she sees poststructuralist skepticism as tempting us to "politically sanctimonious forms of fatalism.... I hope to steer clear of both these alternatives," she announces, and almost all of her recent writing should be seen as an effort to navigate along a narrowing path.

We are not sovereign subjects who perform deeds in brave autonomy, nor are we puppets twitching helplessly. Butler knows what's wrong with both assumptions. But in her eyes they are not equally bad. The first—the simple confidence in claiming a "subject-position"—is much worse; the assertion of an individual sovereignty or a stable group identity, like "black," "female," or "American," is for Butler a flat philosophic error. Nothing useful follows from it. The second idea—the belief in a determining formation of identity, in our construction by our language, our laws, our parents, our prisons—is a necessary part of the best account we can give, even the largest part, but unless it's interpreted with infinite care, we'll miss its force and resign ourselves to despair.

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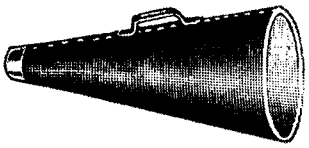


BUTLER ASKS: IS POWER JUST A BEAST IN A BUREAUCRACY, A MONSTER IN A MALL? DOES IT ONLY COME AT US FROM THE OUTSIDE?

Of her two recent books, *The Psychic Life of Power* stands out as the more philosophically involved, committed to taking all these hard thoughts seriously while still finding a place for resistance. Tightly argued, severe in tone, the book resumes the mode of high philosophy displayed in Butler's first book, *Subjects of Desire: Hegelian Reflections in Twentieth-Century France* (1987). But a change has occurred in the interval. Most strikingly, the God term has changed: Where desire stood a decade earlier, power stands now. Hegel gave desire its resonances for Butler, stirring it in a thick soup of connotation: negativity, otherness, self-loss, self-transfiguration. But power, which didn't even earn an index entry in the earlier book, has now become the dominant concept, at once the key and the lock.

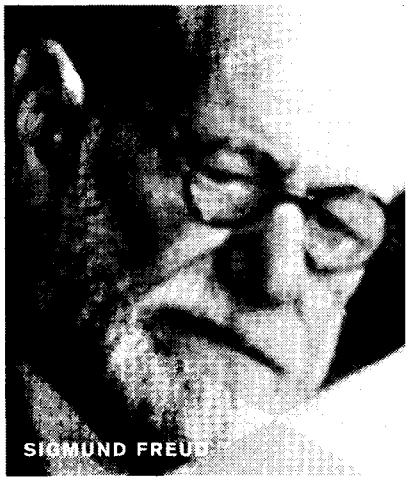
The Psychic Life of Power **(Stanford University Press, 1997)**

Excitable Speech: A Politics of the Performative **(Routledge, 1997)**

In chapters on Hegel, Nietzsche, Freud, Althusser, and Foucault, *The Psychic Life of Power* sketches an account of the constraints governing every recess of our experience. Power forms subjects; it names them and norms them; it gives them words and sets the conditions under which the words will be chosen. Desire was about impulsion. Power is about inhibition. While Butler derives this concept of power from Althusser, Lacan, and especially Foucault, she does not merely reiterate their ideas. In what she rightly sees as her own contribution, *The Psychic Life of Power* asks why we all walk so quickly into the traps set for us. Are we innocent? And is power just a beast in a bureaucracy, a monster in a mall? Does it only come at us from the outside? No, it can't be coercion alone; it can't be only the demands of outer forces invading and kneading and bullying us.

Althusser set the dramatic terms for her questions in his celebrated story of interpellation: You are walking on the street when the voice of authority booms out, Hey you! and immediately you turn to submit to the words of mastery. Once you turn, you have been hailed, you are interpellated, now you are a subject. But "Why does the subject turn to the voice of the law?" This is the question that presses everywhere in Butler's work. What are we, what is this life, that we all perform the fatal loop and twist ourselves among the binding cords? That question, she thinks, has been forgotten among the great theorists of power, and until we answer it our theory will be incomplete.

Butler's story of the Fall turns on our strange willingness to surrender to the powers all around us, to the whole social knitting machine. But even to put it this way is not subtle enough for her; she wants to argue that when the regime begins to form us there is no "us." The subject doesn't even exist until power has brought it into being. So what does power grip when it molds us into subjugation? Butler encourages us to let our minds boggle here, to see ourselves as born out of an impossible contradiction and into endless need. Dependent from the start, children requiring parents, we are all of us formed by the desire for those we need and, beyond that, for the power that makes us such needy beings. This is the book's "psychic" contribution to the theory of power, the account of the human subject as born into an eroticized relation to oppression, according to the principle that "there is no formation of the subject without a passionate attachment to subjection." What could be more appalling than this?



SIGMUND FREUD

Missing in *The Psychic Life of Power* is any sense that we live and change through time. It's all about fixation points for Butler, all about the moments when power stamps the subject into being. Her subjects never really grow: They are always only being founded, caught in the nest where they were first hatched. And it's not just that individual subjects have no history; it's that history has no history. The book builds its argument by linking major philosophers from Hegel to Foucault, and its energy goes into showing what they have in common. They all contribute to the understanding of the regime of power, as if there were only one regime. But has nothing been achieved since Hegel, no gains won against the forces of domination? Have these last two centuries been only reenactments of the primal scene of complicity? You can be as scathing as you like toward the gestural politics of the American party system; you can bravely admit that we'll never untie the psychic knots that twist us into being. But you need to be thinking at a pretty high level of abstraction to flatten life into the same ever-repeating scenes of subjection.

It's not that Butler wants to give in, but she makes it as hard as possible to fight back. Her constructive project is to restore the chances for agency, but only from within the harsh, deep dungeon of constraint. We are housed, clothed, and fed by self-thwarting desires: How can we resist? Within this arena of resistless subjugation, where can we look for a countermovement?

Where else but in power itself? The forces that construct the subject also prepare the conditions for resistance. We

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are made to renounce our desires, but desire "becomes preserved and reasserted in the very structure of renunciation," and "repression generates the very pleasures and desires it seeks to regulate." This is Butler's most cherished idea, an original braid of insights drawn from Freud and Foucault and Derrida: As we are molded into self-thwarting beings, so too does power thwart itself. We are made to love our submission, but our very obedience excites desires that exceed the forces of control.

Butler invests so much—does she realize how much?—in the phrase "the very": the "very structure," the "very desire," the "very condition," the "very production," the "very formation." Everywhere her theory looks it sees that our hope comes from our very degradation. There is nothing outside the apparatus, nothing independent of the regime of power: The stirrings of opposition are only the product of the selfsame machine. As she puts it in a clinching paraphrase of Foucault: "Resistance is an effect of the very power that it is said to oppose." The very apparatus that breaks us also makes us.

This is the terrible claustrophobia of her vision, constructed brick by heavy brick from the theorists whose work she cobbles together. Everything is packed up, hemmed in, wadded tightly into a single structure of laws that breed desire, and norms that incite abnormality, always with the implication that this is the general structure of human existence. No thought is given to other social circumstances, different historical moments, alternative desires or instincts that might not merely be sparks excited by the power machine, but might live outside the total system of power—as Freud's Eros lives outside Thanatos—love not as the surprise precipitate of the regime of death, but as its genuine adversary.

Where's the evidence for Butler's stringent views? The evidence is in previous theory, in passages from Hegel, Nietzsche, Freud, Foucault, and Althusser: These are the master texts providing insights that can be sifted, selected, and arranged. She doesn't look in the archive (like Foucault); she doesn't survey human history (like Hegel); she doesn't listen to patients (like Freud). "I make no empirical claims," she writes at one point. No kidding. Butler extracts theory from theory, and this is what gives such an impalpable, disembodied character to the

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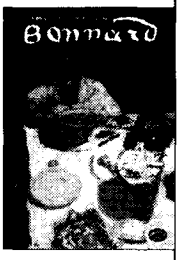

As Timothy Hyman, a painter as well as a critic, points out in his book, the Bonnard who painted domestic pleasures and pretty women has been replaced by a more complex understanding of the radiant yet anguished late works of a painter who wrote,

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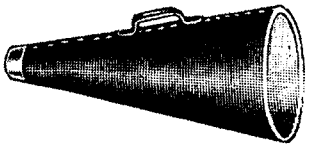
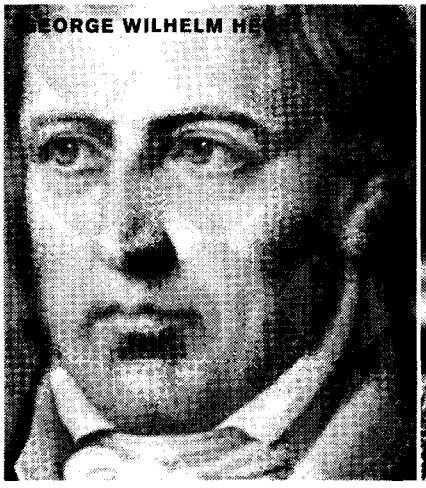


BUTLER'S "POWER" HAS NO NEIGHBORHOOD, NO NATION, NO EPOCH. SUBJECTS HAVE NO NAMES, NO PARTICULARITY, NO HISTORIES.

book. Her power has no neighborhood, no nation, no epoch. Subjects have no names, no particularity, no histories. There are no people here.

It can only be called metaphysical, this elaborate edifice of concepts that never risks abrasion by the rough course of the world. Butler writes at one point that "recent theory has called into question both the assumption of a progressive history and the status of the subject." But can that really be the best way to describe the challenge? Was it theory that put progress in question and not the cataclysms of our century? Only "recent theory" and not the way particular people work and live, dread and desire? According to Butler, these are "postliberatory" times, as if with the wave of a phrase we could put aside the social hope that used to nourish public life. What were they anyway, those "liberatory" times before the "post"? They were the times of illusion, canceled now because a tough-minded acceptance of power means that we can give up trying to throw off the shackles. The shackles give us the only freedom we know. We might as well learn to love the bomb; it's all that makes us think of peace.



GEORGE WILHELM HEGEL

MICHEL FOUCAULT

WHAT makes *Excitable Speech* exciting (as well as a big relief), is that in it Butler's virtuosity turns to pressing matters with dates and names and political consequences. It looks like a minor problem that she sets for herself—what do we mean when we say that words wound?—but the questions keep deepening. What ties language to violence? Is speech conduct? Should we look to the state to repair the ravages of hate speech? Or can there be a nonjuridical solution to the scourge of wounding words? Is it possible to contest linguistic violence while resisting the temptations of censorship?

About all these questions Butler has trenchant things to say. Addressing the influential example of Catharine MacKinnon and the lurid case of pornography, *Excitable Speech* inserts a wedge between speech and conduct, continually asking whether even the most vile pornography is effective in its debasements. This is a vexed issue for Butler, which she has pondered long and well. As a careful student of performative language, she knows that our speech is not idle chatter; we do things to one another with words. Words can wound, and to that extent she feels the lure of censorship. But she also believes that the meaning of verbal conduct is never fixed or final. If language always eludes the firm grip of the speaker, won't it resist the will of the pornographer, the censor, the judge? Bouncing, jouncing language stops nowhere, and this means that what begins verbal life as a dour sexist curse can turn into a gay caress.

In *Excitable Speech*, J.L. Austin, who saw how the rituals of speech can misfire and fail, is a presiding figure for Butler. We mean to pronounce a judgment, christen a ship, baptize a child, but if the context isn't right—if, say, the person in robes isn't really a judge—then the conventions break down, and language loses its grip. *Excitable Speech* takes this idea further. Drawing on Derrida's notion of "iterability" and "citation"—on the perception that as words repeat they change—Butler argues that no utterance is within the control of the speaker; that all speech, including hate speech, is tangled in the contexts that precede and enable it ("The racial slur is always cited from elsewhere, and in the speaking of it, one chimes in with a chorus of racists"); and that new contexts around the poisonous phrase may confound the power of hatred. Her analysis of how the term "queer" works is justly famous. Against her own left-wing allies who worry that terms for homosexuality slip and slide and have no "final referent," Butler in *Excitable Speech* shows that this is exactly what lets "gayness," and "queerness" keep "alive for a future linguistic life." In one of her more supercharged formulations, she writes: "The possibility of decontextualizing such terms through radical acts of public misappropriation constitutes the basis of an ironic hopefulness that the conventional relation between word and wound might become tenuous and even broken over time."

The entire book works as a campaign against the judges on the right and MacKinnon on the left, a canny, relentless sapping of the argument that pornographic speech is a contagion that must be eradicated; that it doesn't simply represent degraded women but constitutes degradation; and that we must look to the state to find legal remedies. All Butler's conceptual virtuosity and political energy reach for the rival view. We can claim the phrases they hurl at us; we

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can meet hatred with mockery, though we can never be sure that the satire won't fly back in our faces. You could recognize this as a form of libertarianism—let's minimize state power and let the verbal chips scatter—if Butler believed that we were coherent agents capable of wielding freedom. As it is, we remain subjects who are only as resourceful as our confining circumstances allow.

Butler concludes that to ask for the protection of the law is to get caught in the machinery of individual blame, exposed by Nietzsche, as if the problem were the offenses of prosecutable rogues here and there rather than the reflexes of the whole culture. Even more important, to call for censorship is to enhance the authority of a state that is at least as likely to be your enemy as your friend. Butler asks that we learn to tease and taunt outside the apparatus of the law, to resignify and restage, cross-dressing the ugly epithets, kinking up the boot heel.

These are strong arguments that have matured over time into a signature position in both left-wing academic theory and gender activism. It's startling, then, when Butler puts away her usual weapons. In a chapter on recent Supreme Court decisions concerning race and violence, she switches the emphasis of her argument: Here she wants to link symbolic acts to actual harms, and to find those harms worthy of legal redress. When it comes to cross burning, she believes the Court has been all too willing to recognize the expressive rights of a cross-burner in St. Paul and discount the pain of the black family that was his target. Why, she asks, does cross burning count as protected speech, while Mapplethorpe's photographs fail to qualify? A cross in flames on a lawn is defended as the unfortunate but necessary price of constitutional guarantees. But where sexuality is concerned, the First Amendment flickers, and the courts are prepared to argue that graphic erotic imagery is a form of brute action, a direct incitement that can be regulated. Obscene speech is conduct; racist speech is part of the marketplace of ideas—and must be protected.

This is a smart, persuasive insight into the strategic inconsistencies of legal judgment, but what of Butler's own inconsistency? When she writes on gay and lesbian sexuality and on pornography, she celebrates the possibilities for subversive

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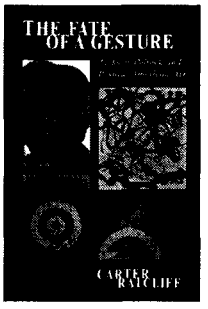

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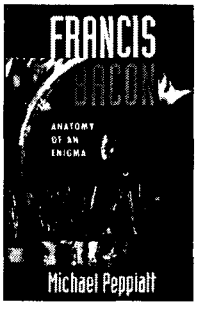

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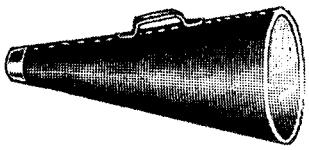


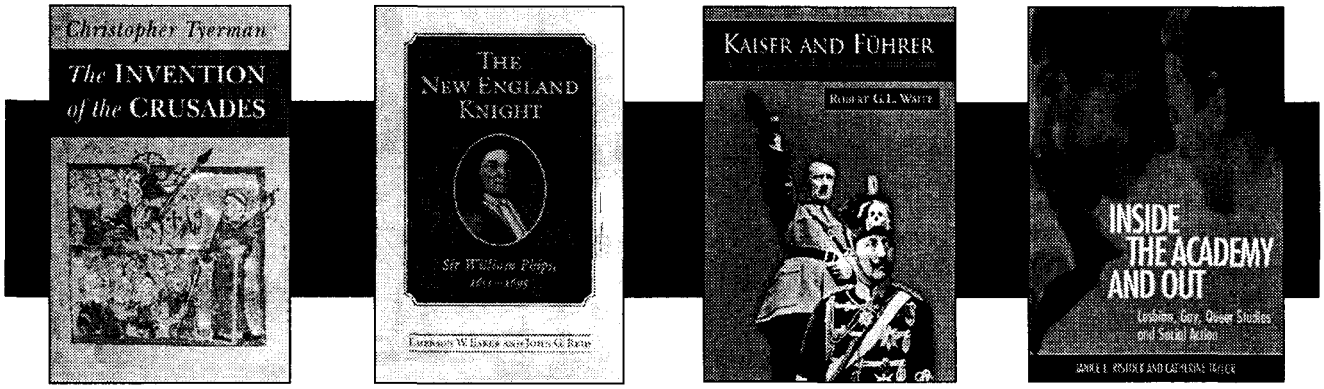
"EXCITABLE SPEECH" INVITES YOU TO LAY TRAPS FOR CENSORS AND TO TELL JOKES ON PORNOGRAPHERS.

reversal, confirmed by her view, contra MacKinnon, that pornography is a fantasy that cannot constitute reality: "[I]ts authority is decidedly less divine; its power, less efficacious." Even in our injury, we can always talk back. In the discussion of racism in St. Paul, on the other hand, all emphasis falls on the Supreme Court's insensitivity to the terrible power of cross burning, while the black family suffers in silence. Of course, one could argue that cross burning is a hate crime while pornography is not: A burning cross is less prone to the flux of meaning and more directly injurious. But Butler's best energy has gone into separating acts from their results, opening a space between the edicts of Big Brother and the efforts of all the little brothers and sisters to find ways to rewrite the brand stamped on their foreheads. Is she made cautious by the American abyss of race? Certainly she becomes less audacious in her challenge. Her argument criticizes the Court with a telling edge, but this is one place she gives no hints of how counterspeech might weaken the words of oppression. There is no talk here of the opportunities for resignification or of the failure of wounding intentions to achieve their effects.

Still, no one should take any pleasure in trumping Butler on race. Yes, it would be good to hear whether she believes that there are better resources, richer resignifications, in the fight against sexism and homophobia than in the struggle against racism. But that will have to wait. In the meantime, her capacity for absorption is Butler's most remarkable virtue. Give her a concept or a political episode, and she lingers with a relentless patience. She turns it over; she picks at its innards. The strength of *Excitable Speech* is that its specific contemporary scenes—especially those of pornography, Anita Hill, gangsta rap, and gays in the military—bring her toward particularities that interrupt her love of abstraction.

JAMES KEYSER

It's not that the lure of theory disappears. Butler seems almost embarrassed by her traffic in contingency and only satisfied when it can be swallowed inside something like "a more general theory



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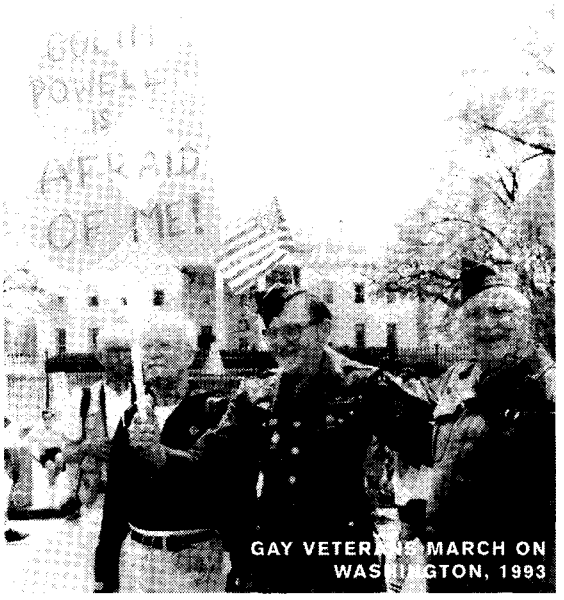
of the performativity of political discourse." But the theory is now familiar, while the encounter with particular episodes is fresh, inventive, and urgent. Her account of the "don't ask, don't tell" campaign is deliciously wicked, showing how it forced military authorities incessantly to use the very taboo words—"gay," "lesbian," "homosexuality"—that they were campaigning to suppress.



GAY VETERANS MARCH ON WASHINGTON, 1993

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Excitable Speech looks on its face as if it were the less ambitious of the two books, more local, topical, even journalistic. And yet in almost every respect it is the stronger and more important. One way to see the difference is through a small but revealing detail. In a brief commentary on the ever-looming Foucault, Butler quotes some of his most skeptical remarks on the concept of power, passages in which he emphasizes that it is merely a "name," a verbal device. In Butler's gloss, "power" is a word that substitutes for complexity, "a name that renders manageable what might be otherwise too unwieldy." What makes this so striking is that in the more theoretically strenuous book, *The Psychic Life of Power*, you find no such skepticism toward the terrible coherence of power. There power stands without quotation marks, enjoys its grammatical role as the subject of sentences, and exerts unrelenting pressure. In *The Psychic Life of Power* the subject is gasping to keep resistance alive by loving its oppression, while in *Excitable Speech* the tone suggests—even if the formal theory does not—that in the face of a dispersed "power," there will be ample space for challenge. Where one book is composed in a key of melancholy, the other often invites you to lay traps for censors and to tell jokes on pornographers.

Butler is a flawed metaphysician but a great philosophic activist. Drawn to the loftiest abstraction and the widest generality, she can forget the world and drift dreamily toward the metaphysical machine, tight in its elegance, meager in its hope. But she has too sharp a feeling for injustice to sleep for very long. "Don't think, but look!" pleaded Wittgenstein, and although that's not always good advice, it's good for Butler. She'll always be thinking, and as long as she remembers to open her eyes, we'll be fools not to hear what she sees.

Michael Levenson teaches English at the University of Virginia. He is the editor of *The Cambridge Companion to Modernism*, which will be published in November.

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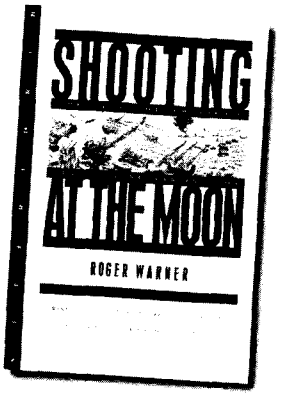

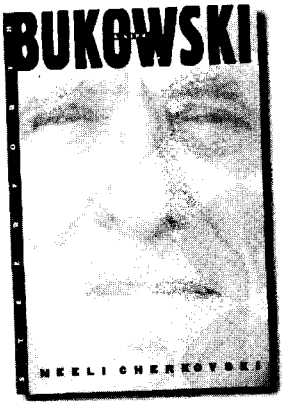

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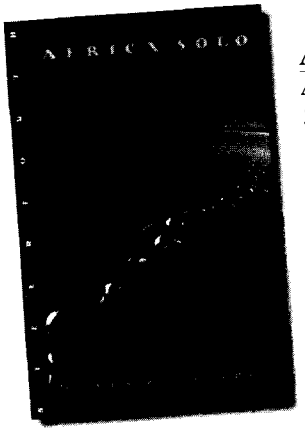

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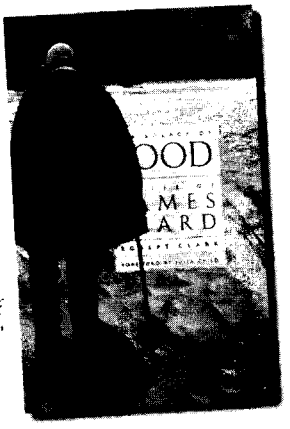

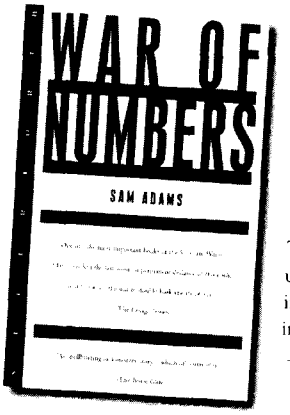

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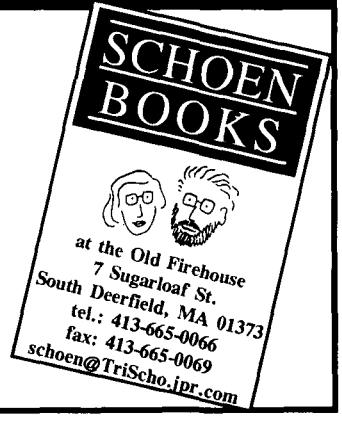

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opinion. Michael Steinberger's article ["The China Syndrome," May/June] raised an important issue in examining the willingness of academics to shelve their political and moral beliefs in exchange for the ability to pursue their studies in China. It should be noted, however, that the Chinese government's exertion of subtle and not-so-subtle pressure on academics by granting or withholding access is not unique. It was also practiced by the former Soviet Union and its Eastern European satellites, the former Sandinista regime in Nicaragua, Vietnam, and Cuba. The question of why Communist regimes should be so successful in this area and repressive regimes of the right, such as Pinochet's Chile or South Africa under apartheid, should be so hopelessly inept would make a fascinating subject for a doctoral thesis.

It is somewhat strange that criticism of sinologists on this matter should come from journalists. One might expect an academic studying the Ming dynasty or rural family structure to avoid commenting on current politics in order to protect his access to China. Yet it has been journalists who have most often avoided the tough questions in order to win visas. Communist leaders have a well-deserved reputation for favoring journalists who treat them gently and giving the cold shoulder to those who do not, and the major news media tend to play along with this blatant manipulation in a much more slavish manner than any university mentioned in Steinberger's article. Certainly, plenty of journalists have followed their consciences, written the truth, and suffered the consequences, but far from all.

It is easy to criticize a scholar for not taking the high moral ground in every instance, but, when measured by the standard of our society as a whole, it would not appear that academics have come off quite so badly.

BRUCE W. FARCAU
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Michael Steinberger may well be correct in charging that some American sinologists self-censor criticism of China's human rights problems in order to gain access to China. Yet others seem to be currying favor with an American media that seeks China-bashing scholars as TV news commentators. There seems to be no middle ground.

Steinberger's account itself is quite biased. For example, he claims that sinologists' hopes for China's becoming a "modernizing authoritarian" state along the lines of South Korea and Taiwan evaporated when China cracked down on the 1989 demonstrations in Tiananmen Square. This ignores the fact that South Korea and Taiwan had their own "Tiananmens" in 1980 and 1947 respectively, in each case killing thousands.

Just as Steinberger points out that the former dreamy-eyed leftist sinologists are now China's biggest critics, American press coverage of China has also lurched back and forth between extremist portrayals. The media's fawning over the Chinese as cuddly Communists in the 1980s was just as misleading as their current picture of China as evil personified. It is a shame that balanced, textured analysis does not sell magazines.

NORMAN MATLOFF
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CORRECTIONS

In "Gimmie Shelter" [Field Notes, May/June], it was reported that Harvard education professor Richard Chait has published "several foundation-supported studies that purport to bolster the case against tenure." In fact, though Professor Chait has encouraged universities to experiment with a broad range of employment options, his studies have not called for the abolition of tenure at any institution. It was also reported that Chait had "encouraged" the University of Minnesota's regents to propose a radical "posttenure review system." In his work as a consultant to the Minnesota Board of Regents, Chait did not take a public position on the regents' posttenure review proposals.

In "Pictures of Us" [July/August], Angela Piccini's employment history was misreported. She once worked as a researcher at the University of Swansea and is currently publications officer with Cadw: Welsh Historic Monuments.

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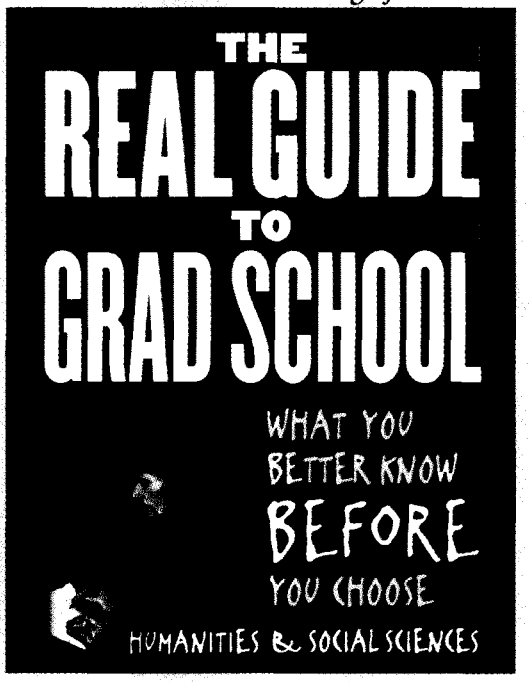

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The University of Maryland announces an interdisciplinary conference, *State of the Arts: Production, Reception, and Teaching in the Digital World,* to be held October 8-11, 1998 at the University of Maryland, College Park, and at state-wide satellite sites. The conference will highlight innovative uses of technology in the fields of dance, history, literature, music, theatre and the visual arts for an audience of K-16 educators, artists, museum curators, archivists and members of the general public. Plenary sessions on Performing, Learning and Teaching, and K-16 will be followed by related demonstrations. Hands-on training workshops will be conducted on the first and last day of the conference. For further details, contact Dr. Susan Jenson, telephone: 301-405-6830; fax: 301-405-0956; email: crbs@umail.umd.edu. Web: http://www.inform.umd.edu/CRBS/ArtsConf/conf.html.

College Park, MD: October 8–11, 1998

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October 9–11, 1998

"Technology and Artistic Practice" will be the focus of a conference at the Hagley Museum and Library on Friday, October 30, 1998. Speakers will consider the relationship between art and technology in a number of settings, including the Internet, sculpture, painting, and exhibitions. The keynote address will be delivered by Steven Johnson, creator of the on-line FEED Magazine (www.feedmag.com) and author of the acclaimed book *Interface Culture: How New Technology Transforms the Way We Create and Communicate*. Other speakers include Linda Dalrymple Henderson, author of *Duchamp in Context: Science and Technology in the Large Glass and Related Works* and Bettyann Holtzman Kevles, who just published *Naked to the Bone: Medical Imaging in the Twentieth Century*. The conference is free and open to the public, but advance registration is required. Contact the Center for the History of Business, Technology, and Society, Hagley Museum and Library, PO Box 3630, Wilmington, DE 19807, 302-658-2400, ext. 243 or email crl@udel.edu.

TECHNOLOGY AND ARTISTIC PRACTICE

Wilmington, DE: October 30, 1998

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25–31, 1998

Reprising the successful international exchange featured by the landmark "Japan and African Americans: A Comparative Perspective," the Sonja Haynes Stone Black Cultural Center welcomes scholars from Germany this year in a globally influenced exploration of African American Studies: "Germany and African Americans: A Comparative Perspective." Presentations include: "Rethinking Race after National Socialism: German Reconstruction & the 'Problem' of African American Occupation Children"; "The NAACP's Perspective on Nazism"; and "African American GI's in Post-War Germany." This year's conference is co-sponsored by the Institute of African American Research and the German Historical Institute. For further information, please contact Dr. Gerald Horne, Sonja Haynes Stone Black Cultural Center, CB#5250, University of North Carolina at Chapel Hill, Chapel Hill, NC 27599-5250; (919) 962-9001; shsbcc@email.unc.edu.

GERMANY AND AFRICAN AMERICANS

Chapel Hill, NC: November 2, 1998

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Hypotheses

TEMPEST IN A FLY-BOTTLE

Oxford's thin-skinned philosophers

BACK IN THE AUTUMN OF 1959, a philosophical fracas took place in the letters column of the London *Times*. Among the participants were Bertrand Russell, Gilbert Ryle, Ernest Gellner, and John Wisdom, not to mention the queen's private solicitor. What they were quarreling over seemed relatively trifling: Did Ryle, who was then editor of the venerable journal *Mind*, act properly in refusing to have Gellner's book *Words and Things* reviewed in its pages? Behind that question lurked a more fundamental disagreement over the right way to do philosophy. The episode did not end with either of these matters closer to resolution. Rather, it ended with a lot of eminent philosophers feeling very sore about the scrutiny they brought on their cloistered and delicate community.

For the dispute had caught the eye of *The New Yorker*, which printed a lengthy article by Ved Mehta about it. This eventually appeared in Mehta's 1963 book, *Fly and the Fly-Bottle*. Now, several decades later, Mehta has publicly opened his mailbag to reveal some of the irate reactions to the piece from the Oxbridge heights.

In the English-speaking world, then as now, analytic philosophy held sway. But "analytic" meant two rather different things. Some thought philosophers should be analyzing *scientific propositions* in order to lay bare the logical structure of reality. This view was associated with Cambridge, with Russell's logical atomism, and with early Wittgenstein. Others felt that *ordinary language* was what philosophers should be analyzing, since it was by misusing ordinary language that philosophers fell into puzzlement in the first place. That was the view associated with Oxford—where philosophers tended to come from a classical "Mods and Greats" background rather than a scientific one.

The most exquisite of ordinary-language philosophers was J.L. Austin, White's Professor of Moral Philosophy at Oxford until his death, in 1960, at the age of forty-eight. By examining the ways in which words like "looks" and "appears" and "real" are used in everyday speech, Austin managed to make much of previous philosophy seem simply ridiculous.

The cult of common usage had its detractors. "To discuss endlessly what silly people mean when they say silly things may be amusing," Russell declared, "but can hardly be important." But it was Ernest Gellner, then in his early thirties, who stirred up the real firestorm by producing an assault on ordinary-language philosophy and its practitioners titled *Words and Things*. What use is philosophy, Gellner asked, if its only function is to relieve self-induced feelings of confusion? What could be more sterile than an enterprise that aspired, in Wittgenstein's words, merely to "leave the world as it is"?

It was Gellner's *Words and Things* that Ryle, a renowned linguistic philosopher, had banned any notice of in *Mind*. Not only was it "abusive," Ryle said, but it contained "about 100 imputations of disingenuousness...against a number of identifiable teachers of philosophy."

The philosophers that Ved Mehta speaks to in *Fly and the Fly-Bottle* are pretty offhanded about all of this, and Mehta's own feelings about ordinary-language philosophy shift with each new Olympian sage he encounters. Russell tells Mehta that he had stopped reading Oxford philosophy, deeming its practitioners "insular and gaga." Gellner talks freely of his "aversion" to Austin, describing his lecture technique as "a creeping barrage...a kind of brainwashing."

On the other side, G.J. Warnock, Austin's literary executor, lets it be known that Austin barely deigned to read Wittgenstein, whom he found laughably obscure. And the late Austin himself crops up with a dismissive clerihew about a certain American logician:

> Everything done by Quine
> Is just fine.
> All we want is to be left alone,
> To fossick around on our own.

Mehta's book is long out of print, but the part about Oxford philosophy can be found in *A Ved Mehta Reader* (published this month by Yale). And Mehta's recent memoir, *Remembering Mr. Shawn's 'New Yorker'* (Overlook), furnishes something of an epilogue to the whole business: an account of the outraged correspondence he received from many of the dons mentioned in his *New Yorker* article.

Figures on all sides were upset. Gellner threatened the magazine with a libel suit and tried to block its distribution in England. Russell, who at first wrote Mehta "attesting to the authenticity of the piece," complained in a second letter that the tear sheets had been sent to him in a "disorderly form" so he had not been able to read it carefully the first time around. Stuart Hampshire, Mehta reports, "was so innocent of journalistic practice that he was indignant upon finding that I had quoted him directly."

As for Isaiah Berlin, he provided three lengthy epistolary critiques: the first congratulating Mehta on a "splendid" article, the second calling it "sometimes cruel," and the third arguing that philosophers should be spared satirical examination because their vocation requires "the most delicate and irritable nervous civilisation and purity of character." And "satire," Berlin had earlier declared, "is the purpose of *The New Yorker*."

Ironically, Oxford philosophy as a distinctive movement was pretty much moribund by the time Mehta began to write about it in 1961. As the charms of analyzing ordinary language began to pale, interest passed to America, where a more technical sort of philosophy was being practiced. Sometimes *The New Yorker*, like the owl of Minerva, takes flight at dusk.

JIM HOLT

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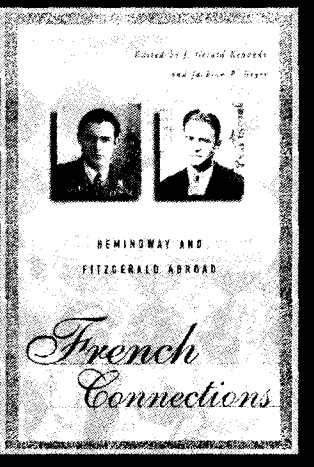

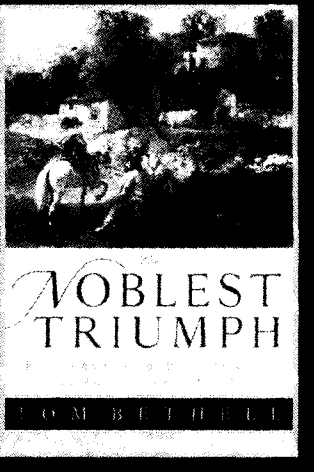

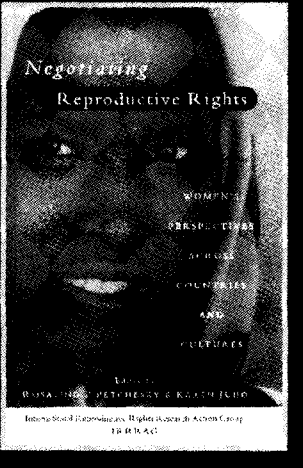

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